

**Amendment No. 11 to SB3919**

**McNally**  
**Signature of Sponsor**

**AMEND Senate Bill No. 3919**

**House Bill No. 3928\***

**ADMINISTRATION AMENDMENT**

**DEPARTMENT OF TRANSPORTATION –**  
**RECONCILIATION TO REVISED REVENUE ESTIMATE**

in Section 1, Title III-30, of the printed bill by deleting in their entirety items 2, 3, 4.1, 4.3, 4.4, and 4.5 and substituting in their places the following:

2. Equipment Purchases and Operations .....	\$ 28,653,000.00
3. Highway Maintenance .....	\$ 290,419,000.00
4.1. Highway Betterments .....	\$ 9,000,000.00
4.3 State Industrial Access .....	20,180,000.00
4.4 Local Interstate Connectors .....	3,000,000.00
4.5 Capital Improvements .....	3,596,000.00

and by deleting the following:

Total State Construction .....	\$ 78,298,000.00
Total Title III-30 .....	\$ 881,600,000.00

and substituting in their places:

Total State Construction .....	\$ 66,398,000.00
Total Title III-30 .....	\$ 868,000,000.00

and in Section 4, Title III-26 of the printed bill by deleting in its entirety item 9 and substituting in its place the following:

9. Local Interstate Connectors .....	3,000,000.00
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and by deleting the following:

Total Title III-26 .....	\$ 882,182,000.00
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and by substituting in its place

Total Title III-26 .....	\$ 881,182,000.00
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and in Section 41 of the printed bill by adding the following new item:

Item \_\_\_\_\_. The fourteen (14) capital outlay projects of the Department of Transportation, listed on page A143 of the 2010-2011 Budget Document in the amount of \$5,580,000 are deleted from the list.

### **SUPPLEMENTAL APPROPRIATIONS**

in Section 38 of the printed bill by deleting the following:

#### Legislature

1. House of Representatives – 2010 Extraordinary Session .....	\$148,000.00
2. State Senate – 2010 Extraordinary Session .....	52,000.00
Total Legislature.....	\$200,000.00

and in Section 38 of the printed bill by deleting the following:

#### Attorney General and Reporter

1. Special Litigation – Mississippi Lawsuit – Memphis Aquifer.....	\$2,000,000.00
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and in Section 38 of the printed bill by deleting the following:

TOTAL .....	\$39,143,600.00
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and substituting instead:

TOTAL .....	\$36,943,600.00
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and in Section 42 of the printed bill by adding the following new subsection:

(c) The provisions of this subsection (c) shall take effect upon becoming law, the public welfare requiring it. To municipalities and counties, the sum of \$100,000 hereby is appropriated to supplement the appropriation made in Public Acts of 2009, Chapter 554, Section 42 (b). It is the legislative intent that such sum be divided and distributed as state shared taxes to the various municipalities and counties for deposit to their general funds, as follows: fifty percent (50%) to municipalities on the basis of population and fifty percent (50%) to counties on the basis of population.

AND FURTHER AMEND by deleting in its entirety section 63 of the printed bill, by inserting the following in its place, and by renumbering section 64 of the printed bill and subsequent sections of the printed bill appropriately to follow the inserted sections:

SECTION 63. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it. In the year ending June 30, 2010, there hereby is appropriated the following amounts, which shall be in addition to the appropriations provided under Public Acts of 2009, Chapter 554, and in Section 38 of this act. The Commissioner of Finance and Administration is authorized to allot and transfer these appropriations to the appropriate expenditure account within each department, agency, or branch of government and to adjust federal aid and other departmental revenue accordingly.

Item 1. To the Comptroller of the Treasury, Property Tax Relief, the additional sum of \$1,000,000. There is further appropriated in fiscal year 2010-2011 the sum of \$2,300,000 for the same purpose.

Item 2. To the Department of Mental Health the additional sum of \$13,200,000 to offset undercollection of departmental revenue in the regional mental health institutes (MHI). There is further appropriated in fiscal year 2010-2011, for the same purpose, the sum of \$18,400,000 (non-recurring), which the Commissioner of Finance and Administration shall set aside in allotment reserves of the institutes and allot only to the extent that departmental revenue undercollections in the institutes require.

The allocation of these appropriations is as follows:

	<u>2009-2010</u>	<u>2010-2011</u>
Lakeshore MHI	\$2,800,000	\$3,900,000
Middle Tennessee MHI	1,700,000	2,400,000
Western MHI	1,700,000	2,400,000
Moccasin Bend MHI	2,000,000	2,800,000
Memphis MHI	<u>5,000,000</u>	<u>6,900,000</u>
Total Mental Health Institutes	<u>\$13,200,000</u>	<u>\$18,400,000</u>

Item 3. To the Miscellaneous Appropriations the sum of \$34,200 for a grant to University of Tennessee Center for Business and Economic Research for research assistance relative to the Basic Education Program (BEP) fiscal capacity and cost-differential factors. There is further appropriated in fiscal year 2010-2011 the sum of \$34,200 for the same purpose.

## **BASIC EDUCATION PROGRAM**

SECTION 64. The appropriation in Section 1, Title III-9, Item 2.1(c), Basic Education Program (BEP), is reduced by \$26,148,000, for the following purposes:

(a) BEP Growth Fund – Reduced by \$10,248,000, which is an excess amount based on a revised, fully-funded estimate of \$27,000,000.

(b) BEP Program Improvement – Reduced by \$12,000,000 to a revised improvement estimate of \$31,000,000, which reflects revised average daily membership student estimates.

(c) BEP-TCRS Retirement Contribution Rate Increase – Reduced by \$3,900,000 to a revised estimate of \$43,700,000, based on a correction of the weighted average contribution rate of BEP-funded positions.

## **TENN-CARE BASE RESTORED**

SECTION 65. In addition to the appropriations in Section 1, Title III-26, the following non-recurring amounts are appropriated to the TennCare program in order to restore in the fiscal year beginning July 1, 2010, certain recurring reductions made in fiscal year 2009-2010 and recommended in the fiscal year 2010-2011 Budget Document and for other purposes identified in this section. The reductions restored are identified by reference to reduction items stated in volume 2, Base Budget Reductions, of the 2009-2010 and 2010-2011 Budget Documents.

### **Item 1.**

(a) If Senate Bill 3528 / House Bill 3310, the annual coverage assessment act of 2010, becomes a law, there hereby is appropriated \$431,081,200 (non-recurring) in the fiscal year beginning July 1, 2010, to the TennCare program for the following purposes, and the Commissioner of Finance and Administration is authorized to adjust federal and other departmental revenue accordingly; provided, however, that if the federal government disallows

the coverage assessment as a valid source to match federal Medicaid funds, the appropriations in this Item 1(a) shall be null and void.

Reduction Number	Description	Amount
<b>(i) FY 2009-2010 Base Reductions Restored:</b>		
8	Medically Needy Category	11,199,300
11	Long Term Care Eligibility Criteria	13,820,000
12	Essential Access Hospital Payments	34,220,000
13	Graduate Medical Education	14,663,500
14	Meharry Medical College Grants	4,466,300
15	Critical Access Hospital Payments	3,422,000
20	Medicare Part A Reimbursement	10,425,900
21	Nursing Home Rates	19,289,700
22	MCO Administration Rate	7,592,500
23	Provider Reimbursement and Co-Pay	75,081,600
24	Dental Provider Rate	3,324,300
25	Private ICF-MR Rates	2,052,900
26	PACE Capitation Rates	256,900
	<b>Sub-Total</b>	<b><u>199,814,900</u></b>
<b>(ii) FY 2010-2011 Base Reductions Restored:</b>		
3	Non-Emergency Transportation	1,123,000
10	Hospital Reimbursement Ceiling	15,280,800
11	MAC Pricing on Pharmacy	4,839,600
14	Meharry Medical College Grants	1,466,400
16	In-Patient Services	43,908,100
17	Lab and X-Ray Procedures	17,680,900
18	Therapies	2,903,600
19	Out-Patient Services	8,350,000
20	Pharmacy Pricing - Reduce MAC Pricing	3,519,200
21	Benefit Limits - Reduced Growth	5,844,400
24	Office Visits	11,197,300
	<b>Sub-Total</b>	<b><u>116,113,300</u></b>
<b>(iii) Other Appropriations:</b>		
	State Supplemental Hospital Grant	10,000,000
	Disproportionate Share Hospital Payments	13,603,200
	Add'l Cost-Based Reimbursement for Critical Access	6,000,000
	Loss of Supplemental Pharmacy Rebates	5,549,800
	Hospital Payments - Unreimbursed Costs	80,000,000
	<b>Sub-Total</b>	<b><u>115,153,000</u></b>
	<b>Total</b>	<b><u>431,081,200</u></b>

(b) It is legislative intent that the appropriation for state supplemental hospital grant in item (a)(iii) address the needs of hospitals that experience high charity-care expenses for services provided in their communities.

(c) There is further appropriated to the TennCare program, in addition to the appropriation in this item in (a)(iii), Other Appropriations, Hospital Payments – Unreimbursed Costs, a sum sufficient from any amount in excess of \$310,000,000 collected from the coverage assessment for the purpose of hospital payments for unreimbursed costs.

(d) To the extent that revenue collected from the coverage assessment is less than \$310,000,000, the appropriation in this item in (a)(iii), Other Appropriations, Hospital Payments – Unreimbursed Costs, hereby is reduced in the amount of the undercollection.

Item 2.

(a) If Senate Bill 3528 / House Bill 3310, the annual coverage assessment act of 2010, does not become a law, or if the coverage assessment is disallowed by the federal government as a valid source to match federal Medicaid funds, there hereby is appropriated \$121,551,300 (non-recurring) in the fiscal year beginning July 1, 2010, to the TennCare program for the following purposes, and the Commissioner of Finance and Administration is authorized to adjust federal and other departmental revenue accordingly.

Reduction Number	Description	Amount
<b>(i) FY 2009-2010 Base Reductions Restored:</b>		
11	Long Term Care Eligibility Criteria (6 Months)	6,910,000
14	Meharry Medical College Grants	1,466,300
21	Nursing Home Rates	7,956,300
22	MCO Administration Rate	2,674,700
23	Provider Reimbursement and Co-Pay	26,667,900
24	Dental Provider Rate	1,371,200
25	Private ICF-MR Rates	846,700
26	Program for All-Inclusive Care for the Elderly (PACE) Capitation Rates	106,000
	<b>Sub-Total</b>	<b><u>47,999,100</u></b>
<b>(ii) FY 2010-2011 Base Reductions Restored:</b>		
3	Non-Emergency Transportation	1,123,000
6	Provider Reimbursement (7% Provider Cuts at FY11 Levels)	4,975,000
11	Maximum Allowable Cost Pricing on Pharmacy	4,839,600
14	Meharry Medical College Grants	1,466,400
16	In-Patient (Exempt Certain Transplants)	1,652,800
17	Lab and X-Ray Procedures	17,680,900
18	Therapies	2,903,600
19	Out-Patient Services	8,350,000
20	Pharmacy Pricing – Reduce Maximum Allowable Cost Pricing	3,519,200
21	Benefit Limits – Reduced Growth	5,844,400

24	Office Visits	11,197,300
	<b>Sub-Total</b>	<b><u>63,552,200</u></b>
<b>(iii) Other Appropriations:</b>		
	State Supplemental Hospital Grant	10,000,000
	<b>Sub-Total</b>	<b><u>10,000,000</u></b>
	<b>Total</b>	<b><u>121,551,300</u></b>

(b) It is the legislative intent that the appropriation for state supplemental hospital grant in item (b)(iii) address the needs of hospitals that experience high charity-care expenses for services provided in their communities.

### **OTHER BASE BUDGET RESTORATIONS**

SECTION 66. In the year beginning July 1, 2010, in addition to the appropriations in Section 1 of this act, the following amounts are appropriated and certain non-recurring appropriations are reduced for the purpose of restoring base budget reductions that were enacted in 2009-2010 and had been recommended in the 2010-2011 Budget Document and identified, as noted herein, in Volume 2 of the Budget Documents of both years, Base Budget Reductions. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. The amounts appropriated, in addition to the amounts in Section 1, and certain non-recurring appropriation reductions are:

Item 1. To the Attorney General and Reporter the sum of \$3,464,500, including \$3,000,000 recurring and \$464,500 non-recurring is appropriated. Of the 2010-2011 base reduction, this restores all of the reduction; of the 2009-2010 reduction, this restores \$1,907,800 as recurring and \$464,500 non-recurring in fiscal year 2010-2011.

Item 2. To the Comptroller of the Treasury, an additional \$1,032,600 (recurring) is appropriated and 20 positions restored, as follows, and the Commissioner of Finance and Administration shall allocate this appropriation among programs as requested by the Comptroller of the Treasury:

(a) To restore in reduction number 2, Property Assessment, for the State Board of Equalization, the sum of \$24,900 (recurring) is appropriated and one (1) vacant position restored.

(b) To restore reduction number 5, Audit Reduction, the sum of \$1,007,700 (recurring) is appropriated and 19 vacant positions restored, as follows:

	<u>Amount</u>	<u>Positions</u>
State Audit Division .....	\$ 659,300 .....	13
County Audit Division .....	238,800 .....	4
Municipal Audit Division .....	<u>109,600</u> .....	<u>2</u>
Total Audit Divisions.....	<u>\$1,007,700</u> .....	<u>19</u>

Item 3. To the Department of Environment and Conservation, Historic Site Maintenance, to restore fiscal year 2010-2011 reduction number 9, Maintenance of Historic Sites, the sum of \$214,700 (recurring) is appropriated and the non-recurring appropriation is reduced by \$214,700.

Item 4. To Bureau of TennCare, the sum of \$234,100 (recurring) to restore reduction number 13, Administrative Contracts, for the purpose of funding Tennessee Chapter of the American Academy of Pediatrics (TNAAP) grant or services, and federal aid revenue also shall be adjusted by \$234,100.

Item 5. To the Bureau of TennCare, for the Division of Intellectual Disabilities Services, the sum of \$2,100,000 (non-recurring) and federal aid of \$6,500,000 is appropriated for an estimated three-month delay in approval of the Medicaid waiver in connection with community services transitions in the base budget reduction and reallocation plans.

Item 6.

(a) To the Department of Education, Alvin C. York Institute, the sum of \$5,494,400, including \$3,200,000 (recurring) and \$2,294,400 (non-recurring) is appropriated to restore reduction number 13, Alvin C. York Institute, and 84 positions are restored.

(b) The appropriation to the Basic Education Program is reduced by \$3,200,000 (recurring) to reflect the restoration to Alvin C. York Institute.



(c) It is the legislative intent that by July 1, 2012, the budget, staffing, and local financial support of Alvin C. York Institute be adjusted to reflect fully the appropriate state and local shares of the operational costs under the Basic Education Program (BEP) formula. The Commissioner of Education, after consultation with the Commissioner of Finance and Administration, the superintendent of Fentress County schools, the Fentress county mayor, and school superintendents and mayors of other affected school systems and counties, by December 31, 2010, shall submit a financial transition plan to the Governor, the Commissioner of Finance and Administration, and the chairs of the Finance, Ways, and Means committees and the Education committees of the Senate and House of Representatives.

Item 7. To the Department of Health, Division of General Environmental Health, for the rabies control program, a sum sufficient not to exceed \$1,000,000 to restore base reduction number 5, Rabies Tags, proposed in the 2010-2011 Budget Document, if Senate Bill 3850 / House Bill 3834 or a similar bill, relative to a rabies vaccination certificate fee, does not become a law or if the bill or similar bill does become a law but provides estimated departmental revenue of less than \$1,000,000 according to the final fiscal note on the bill. The Commissioner of Finance and Administration shall reconcile the appropriation required to the fiscal note and is authorized to adjust departmental revenue accordingly.

Item 8. To the Department of Mental Health and Developmental Disabilities, for mental health recovery services, the sum of \$2,800,000 is appropriated, including \$1,584,800 recurring and \$1,215,200 non-recurring, to restore the following reductions made in fiscal year 2009-2010:

(a) Fiscal year 2009-2010 reduction number 7, Peer Support Centers, \$3,775,300, including \$1,398,000 recurring and \$2,377,300 non-recurring.

(b) Fiscal year 2009-2010 reduction number 21, Consumer Housing Specialist, \$93,400 recurring.

(c) Fiscal year 2009-2010 reduction number 23, Regional Housing Facilitators, \$93,400 recurring.

(d) The non-recurring appropriation to Community Mental Health Services is reduced by \$1,162,100, in order to reduce the base restoration in fiscal year 2010-2011 of fiscal year 2009-2010 reallocation number 10, Recovery Services – Homeless, Family Support, on page 184, volume 2, Base Budget Reductions, 2010-2011 Budget Document, from an amount of \$2,877,100 (non-recurring) to a corrected amount of \$1,715,000 (non-recurring).

Item 9. To the Department of Mental Health and Developmental Disabilities, for Alcohol and Drug Abuse Services, the sum of \$3,000,000 is appropriated, including \$1,615,200 recurring and \$1,384,800 non-recurring, to restore the following reductions made in fiscal year 2009-2010:

(a) Fiscal year 2009-2010 reduction number 11, Priority Training Program, \$56,000 recurring.

(b) Fiscal year 2009-2010 reduction number 12, Community Training Staff and Events, \$102,000 recurring.

(c) Fiscal year 2009-2010 reduction number 20, TN-WITS Data Collection, \$100,000 recurring.

(d) Fiscal year 2009-2010 reduction number 22, Medical Detoxification, \$200,000 recurring.

(e) Fiscal year 2009-2010 reallocation number 6, Community Alcohol and Drug Abuse Services, Grants to Providers, \$2,542,000, including \$1,157,200 recurring and \$1,384,800 non-recurring.

Item 10. To the Department of Children's Services the sum of \$2,786,100 (recurring) is appropriated to restore the New Visions Youth Development Center component of fiscal year 2010-2011 reduction number 2, Closing Youth Development Center Beds, as follows:

(a) There hereby is appropriated for operation of New Visions Youth Development Center the sum of \$4,584,900 from state revenue and \$70,200 from departmental revenue, and eighty-five (85) positions are authorized to be retained.

(b) The appropriation for operation of Woodland Hills Youth Development Center hereby is reduced by \$1,798,800 from state revenue and \$70,200 from departmental revenue, and thirty-three (33) positions are deleted from the authorization.

### **ADDITIONS TO BUDGET**

SECTION 67. In the year beginning July 1, 2010, in addition to the appropriations in Section 1 of this act, the following amounts are appropriated, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly:

Item 1. For a grant to the Regional Medical Center at Memphis, the sum of \$20,000,000 (non-recurring) if no federal aid is available to match a county contribution. Provided, however, if the Commissioner of Finance and Administration determines that federal funds are available to match a county contribution to that hospital, then (i) there hereby is appropriated for capital outlay the sum of \$20,000,000 in addition to the amount in Section 1, Title III-32, Item 10, Department of Safety – Systems Development Projects, for the drivers license issuance and highway patrol communications systems; (ii) the State Funding Board shall take the necessary action to cancel the unissued bonds in an amount of \$20,000,000; (iii) the appropriation in Section 1, Title III-31, Item 5, for Amortization of Authorized and Unissued 10-Year Bonds shall be reduced in the amount of \$2,600,000; (iv) the non-recurring appropriations totaling \$2,600,000 to the Department of Mental Health and Developmental Disabilities in Section 66, Items 8 and 9, of this act hereby are designated as recurring, rather than non-recurring; (v) the reserve for 2011-2012 core services as designated in Section 43, Item 2 (b) is reduced by \$2,600,000; and (vi) the reserve for revenue fluctuations at June 30, 2011, as designated in Section 43, Item 1, is increased by \$5,200,000. Provided further, that if an amount less than \$20,000,000 of county contribution is matched by federal aid, the Commissioner of Finance and Administration is authorized to adjust the secondary contingency appropriations and reserves in this item accordingly.

Item 2. To the Bureau of TennCare, for planning of additional PACE programs (Program of All-Inclusive Care for the Elderly), the sum of \$1,000,000 (non-recurring).

Item 3. From the appropriation in Section 1, Title III-22, Item 22.1 for rent adjustments, the sum of \$33,000 is earmarked for rent of Department of General Services space, and other departmental revenue of the department may be adjusted accordingly.

Item 4. To the Department of Veterans Affairs for the State Veterans Cemetery at Knoxville, the sum of \$203,000, including \$176,000 recurring and \$27,000 non-recurring, and three (3) full-time positions are authorized.

Item 5. To the Department of Environment and Conservation, Clean Water and Drinking Water State Revolving Fund, the sum of \$3,700,000 (non-recurring) to match a federal aid increase of \$18,500,000.

Item 6. To the Department of Correction, State Prosecutions, or the Miscellaneous Appropriations the sum of \$982,000 for a contract with Davidson County for the Davidson County Drug Court (DC4) residential program expenses of housing and treating non-violent felony offenders, including methamphetamine offenders from across the state and other offenders with co-occurring addiction and mental health disorders. Provided, that it is the legislative intent that the department enter a contract with Davidson County under the provisions of Tennessee code annotated, section 40-35-303(k) and section 41-8-106, relative to reimbursement for reasonable, allowable costs of housing state felons or that otherwise a grant be made and settled annually to reflect reasonable, allowable costs. Provided, further, that such reimbursement shall take into account other funds available to the Davidson County Drug Court, including the state drug-court grant, any other grants received from the state, other federal funds, and other sources.

Item 7. To the Department of Economic and Community Development, for an economic development project, the sum of \$7,000,000 (non-recurring).

Item 8. To Tennessee State University the sum of \$1,542,700 for the university's federal land grant mission and state match allocation, as follows:

(a) TSU McMinnville Center.....	\$ 26,000
(b) TSU Institute of Agricultural and Environmental Research	103,300

(c) TSU Cooperative Education .....	590,000
(d) TSU McIntire-Stennis Forestry Research .....	104,400
(e) Tennessee State University .....	719,000
Total.....	\$ 1,542,700

Item 9. To the University of Memphis the sum of \$500,000 (non-recurring) to support start-up and development of the Memphis research consortium created by Public Acts of 2010 (Extraordinary Session), Chapter 3, Section 11.

Item 10. To the Military Department, Tennessee Emergency Management Agency, the sum of \$130,000 from state revenue and \$130,000 from federal aid for disaster emergency management operations, and four full-time positions are authorized.

Item 11. To the Department of Health, the sum of \$2,000,000 (non-recurring) for a grant to Meharry Medical College for the “Wellness for Our Community...Fitness is Our Future” program for implementation at historically black colleges and universities in Tennessee. This is year 5 of the grant.

Item 12. From the appropriation in Section 1, Title III-22, Item 22.1, for rent adjustments, the sum of \$211,000 is earmarked for rent of the Department of Health, Upper-Cumberland regional office.

Item 13. To the Miscellaneous Appropriations the sum of \$20,000 (non-recurring) for a bust of the late Lt. Governor John Shelton Wilder to be obtained and placed at the direction of the Capitol Commission.

Item 14. To the Cover Tennessee Health Care Programs, for the Cover Kids program, the sum of \$1,049,100 from state revenue and \$3,330,000 from federal aid, for dental benefit adjustments provided under the provisions of the 2010 federal health-care reform law.

## **LEGISLATION**

SECTION 68. Legislation. In addition to the appropriations in Sections 1 and 4 of this act, the following amounts hereby are appropriated, and such additional or lesser amounts indicated in fiscal notes on cited legislation hereby are appropriated, for the purpose of funding the costs of implementing the cited legislation. The Commissioner of Finance and

Administration is authorized to allocate the appropriations to the appropriate organizational units and to adjust federal and other departmental revenues and authorized positions accordingly. The appropriation in each item of this section is subject to the bill cited in that item becoming a law, except as otherwise provided.

Item 1. The appropriation in section 1, Title III-22, Item 24, Administration Legislation, is reduced by \$300,000, eliminating the entire appropriation.

Item 2. The appropriation in section 1, Title III-23, Item 3, Custody Services, is reduced by \$98,800 and the remaining \$3,501,200 of the program improvement identified on page B-154 of the 2010-2011 Budget Document for County Over-Commitment to State Custody is appropriated to fund Senate Bill 2974 / House Bill 3020, if the bill becomes a law, or otherwise for the purpose stated in the Budget Document.

Item 3. From the Tennessee Consolidated Retirement System the sum of \$1,800 (non-recurring) for Senate Bill 2886 / House Bill 2989, relative to an interest payment for correction of a benefits error.

Item 4. To a Department of Aging the sum of \$1,900 (non-recurring) earmarked from the appropriation in Section 1, Title III-2, Item 2.2, to the Commission on Aging and Disability for Senate Bill 3209 / House Bill 3529, relative to creation of a Department of Aging. There is further appropriated the sum of \$8,100 (non-recurring) to the General Assembly relative to the bill.

Item 5. To the Tennessee Student Assistance Corporation, from the deferred revenue account of the Minority Teaching Fellows Program there is appropriated the sum of \$65,500 for the sole purpose of implementing Senate Bill 3268 / House Bill 3413, relative to expanding the Minority Teaching Fellows Program. It is the legislative intent that such appropriation is subject to the availability of sufficient funds in the deferred revenue account for such program.

Item 6.

(a) To a Department of Intellectual and Developmental Disabilities the sum of \$16,800, including \$6,800 recurring and \$10,000 non-recurring for Senate Bill 3341 / House Bill 3526, relative to creation of a Department of Intellectual and Developmental Disabilities.

(b) If the bill cited in this item becomes a law, the appropriation in Section 1 of this act to the Department of Mental Health and Developmental Disabilities is reduced by \$3,700 recurring and a non-recurring sum of \$10,000 hereby is appropriated for the purpose of establishing a Department of Mental Health.

Item 7. To the Department of Environment and Conservation, from the departmental revenues or reserves of the Heritage Conservation Trust Fund, the sum of \$1,800 for Senate Bill 3390 / House Bill 3466, relative to the Heritage Conservation Trust Fund, or Senate Bill 3880 / House Bill 3796 provisions relative to matters in the preceding bill citation.

Item 8. To the Procurement Commission created by Senate Bill 3598 / House Bill 3353 the sum of \$51,300 and one (1) full-time position is authorized in addition to appropriations and positions to be transferred from other organizational units and agencies of state government.

Item 9. To the Miscellaneous Appropriations the sum of \$25,000 for Senate Bill 3847 / House Bill 3847, relative to the Tennessee Residence Commission.

Item 10. To the Department of Commerce and Insurance, Division of Regulatory Boards, from dedicated revenue of the following programs, the sums of (a) \$5,000 (non-recurring) for Senate Bill 3851 / House Bill 3812, relative to locksmith registration, and (b) \$5,000 (non-recurring) for Senate Bill 3859 / House Bill 3844, relative to private protective services.

Item 11. To the Miscellaneous Appropriations a sum sufficient estimated at zero dollars for any implementation costs provided in the final fiscal note on Senate Bill 3880 / House Bill 3796, the omnibus budget reconciliation act relative to state finances.

Item 12. To the Department of Revenue the sum of \$38,500 (non-recurring) in addition to the amount in Section 1 of this act and identified in the 2010-2011 Budget Document, page B-13, Auditors, for the purpose of implementing Senate Bill 3901 / House Bill 3787 or similar legislation, relative to taxes, technical corrections, and related matters.

Item 13. To the Department of Safety the sum of \$90,900 (recurring) and \$45,000 (non-recurring) for Senate Bill 3907 / House Bill 3791, relative to commercial drivers license and related matters.

Item 14. To the Department of Correction the sum of \$44,000 from court-awarded fines for Senate Bill 3909 / House Bill 3784, relative to drug enforcement, education, and treatment and non-recurring enforcement expenditures.

## **DISASTER RECOVERY**

SECTION 69. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. The provisions of this section are for the purpose of and limited to providing sufficient funds for disaster recovery from the May 2010 floods and related storm damage in Tennessee, including use for public infrastructure capital outlay, operating expenses, and disaster relief in aid of local governments and other public agencies and to match federal disaster relief funds. The unexpended balances of any appropriations made in this section or transferred pursuant to this section may be carried forward at June 30, 2010, and June 30, 2011, subject to the approval of the Commissioner of Finance and Administration, and hereby are appropriated for expenditure in the fiscal year beginning July 1, 2010. The Commissioner of Finance and Administration is authorized to adjust estimates of federal aid and other departmental revenue for disaster recovery.

Item 1. From the appropriations to the Miscellaneous Appropriations for homeland security in Public Acts of 2009, Chapter 554, Section 1, Title III-22, and in this act in Section 1, Title III-22, for homeland security, the Commissioner of Finance and Administration may transfer funds to other programs and state agencies for disaster recovery and to transfer unexpended balances of such transferred funds back to the homeland security item, if he deems it appropriate.

Item 2. From the reserves for homeland security carried forward in the Miscellaneous Appropriations at June 30, 2009, and authorized to be carried forward at June 30, 2010, the Commissioner of Finance and Administration may transfer funds to other programs and state agencies for purposes of disaster recovery and to transfer unexpended balances of such transferred funds back to the homeland security reserve, if he deems it appropriate.



Item 3. For the purposes of disaster recovery, the Commissioner of Finance and Administration is authorized to transfer appropriations between general fund programs within any state agency and, upon the request of the Commissioner of Transportation, within programs in the transportation fund, except as prohibited by law, and to adjust federal aid and other departmental revenue accordingly. Provided, however, that transfers from general fund programs shall consist only of surplus funds that otherwise would revert to the general fund balance at year-end. This item shall not constitute authority to transfer appropriations between state agencies, except as otherwise provided by this act or other law.

Item 4. In addition to the appropriations in Public Acts of 2009, Chapter 554, and in this act, there hereby is appropriated a sum sufficient for expenses of disaster recovery.

### **RESERVE-TAKING AUTHORITY**

SECTION 70. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it. It is the legislative intent to fulfill the essential function and constitutional responsibility of state government to orderly close fiscal years 2009-2010 and 2010-2011. Under the provisions of Tennessee Code Annotated, Section 4-3-1016, as amended by Senate Bill 3880 / House Bill 3796, if such bill becomes a law, the Commissioner of Finance and Administration is authorized to deny carryforwards for and to transfer funds from the enumerated funds, reserve accounts, or programs to the state general fund for the sole purpose of meeting the requirements of funding state government for the fiscal years ending June 30, 2010 and June 30, 2011, and for that purpose such funds hereby are appropriated to the general fund. Such transfers and carry-forward denials shall be according to the following schedule, to the extent funds are available in the reserves and considering the interests of the programs, as determined by the Commissioner of Finance and Administration:

Item 1. From the reserves for unencumbered balance and capital outlay that are not permanent statutory reserves, but excluding the TennCare reserve.

Item 2. From the statutory reserves enumerated in Tennessee Code Annotated, Section 4-3-1016, as amended by Senate Bill 3880 / House Bill 3796.

Item 3. From other reserves enumerated in this act and not subject to determination by the Commissioner of Finance and Administration, an amount to be determined, subject to approval of the controlling state officials.

Item 4. From the TennCare reserve.

Item 5. From the reserve for revenue fluctuations established by Tennessee Code Annotated, Section 9-4-211.

### **CONTINGENCY APPROPRIATIONS**

SECTION 71. The provisions of this section are contingent upon determination by the Commissioner of Finance and Administration that a 2010 or 2011 U.S. public law, rule, or policy provides additional federal aid to the state through continuation of an enhanced federal medical assistance percentage (FMAP) in the Medicaid program. Before establishing the appropriations made in this section, the commissioner in writing shall notify the Speakers of the Senate and House of Representatives and the chairmen of the Finance, Ways and Means committees of the Senate and House of Representatives, the director of the Office of Legislative Budget Analysis, and the executive director of the Fiscal Review Committee.

Contingent upon the availability of such federal aid revenue, the Commissioner of Finance and Administration is authorized to reduce the TennCare appropriation made in Section 1 of this act, to increase the estimate of federal aid to the TennCare program made in Section 4 of this act, to establish the following non-recurring appropriations, to allocate the appropriations to the appropriate organizational units and agencies, and to adjust federal aid and other departmental revenues accordingly:

Item 1. The appropriation to the TennCare program in Section 1, Title III-26, of this act is reduced by \$341,600,000 (non-recurring reduction), and in addition to the appropriation of federal aid to the TennCare program in Section 4, Title III-25, there hereby is appropriated the sum of \$341,600,000 (non-recurring) from federal aid revenue.

Item 2. To the TennCare program for grants to critical access hospitals the sum of \$10,000,000 (non-recurring) to address un-reimbursed costs of services provided. It is the

legislative intent that such grants be made as soon as practical after July 1, 2010, and shall be allocated pro rata based upon the ratio of uncompensated care to total facility revenue for each critical access hospital as reported in the most recent joint annual report available prior to such distribution of such grants.

Item 3. To the Department of Economic and Community Development:

(a) For the small-business job opportunities fund and a grant to Southeast Community Capital Corporation to match approximately \$10 million to \$15 million from banks, the sum of \$10,000,000 (non-recurring) is appropriated.

(b) For economic development projects, to the Fast Track Infrastructure Development and Job Training Assistance Program and related economic development programs, the sum of \$51,000,000 (non-recurring). Notwithstanding other provisions of this section to the contrary, if the continuation of the enhanced federal medical assistance percentage (FMAP) is not available in the Medicaid program, there hereby is appropriated the sum of \$31,000,000 (non-recurring) for economic development, and in this event, the reserve for revenue fluctuations at June 30, 2011, as designated in Section 47, Item 2, is decreased by \$31,000,000.

Item 4. To the Miscellaneous Appropriations, for a grant for the Civil Rights Museum in Memphis, the sum of \$5,000,000 (non-recurring). The grant is for the purpose of supporting the museum's capital campaign for capital improvements and to build an endowment.

Item 5. To the Department of Education, Basic Education Program (BEP), the sum of \$29,600,000 (non-recurring) for 2010-2011 capital outlay funding in the BEP calculation pursuant to the BEP non-recurring appropriation provision of Senate Bill 3880 / House Bill 3796.

Item 6. To higher education programs the sum of \$50,900,000 (non-recurring) for operating budget support, such appropriation to be allocated to the units of higher education as follows:

A. State Administered Programs

1. Centers of Excellence .....	\$	738,100
2. Campus Centers of Emphasis.....		69,900
Sub-Total State Administered Programs.....	\$	808,000

B. University of Tennessee System

1. UT Institute for Public Service .....	\$	66,800
2. UT Municipal Technical Advisory Service .....		69,500

3. UT County Technical Assistance Service .....	43,300
4. UT Access and Diversity Initiative .....	258,000
5. UT Space Institute.....	228,600
6. UT Agricultural Experiment Station.....	605,100
7. UT Agricultural Extension Service .....	677,700
8. UT Veterinary Medicine.....	421,200
9. UT Health Science Center.....	974,600
10. UT Family Medicine.....	244,000
11. UT College of Medicine .....	1,334,700
12. UT Chattanooga.....	2,366,300
13. UT Knoxville .....	10,024,200
14. UT Martin .....	1,724,100
Sub-Total University of Tennessee System .....	\$ 19,038,100
C. Tennessee Board of Regents System	
1. Regents Access and Diversity Initiative .....	\$ 456,100
2. ETSU College of Medicine .....	699,700
3. ETSU Family Practice .....	132,400
4. Austin Peay State University .....	2,000,400
5. East Tennessee State University .....	3,209,500
6. University of Memphis .....	6,053,700
7. Middle Tennessee State University .....	5,397,300
8. Tennessee State University.....	2,572,500
9. Tennessee Technological University .....	2,417,100
10. Southwest Tennessee Community College .....	1,167,000
11. Nashville State Community College .....	502,800
12. Pellissippi State Community College .....	669,600
13. Northeast State Community College .....	388,900
14. Chattanooga State Community College.....	714,500
15. Cleveland State Community College .....	295,000
16. Columbia State Community College.....	408,600
17. Dyersburg State Community College .....	210,900
18. Jackson State Community College.....	382,400
19. Motlow State Community College.....	330,200
20. Roane State Community College .....	537,600
21. Volunteer State Community College.....	552,500
22. Walters State Community College.....	538,100
23. Tennessee Technology Centers.....	1,417,100
Sub-Total Tennessee Board of Regents System .....	\$ 31,053,900
Total Higher Education.....	\$ 50,900,000

Item 7.

(a) Community College Special Capital Outlay Appropriation. The General Assembly recognizes that the Complete College Tennessee Act of 2010 (Public Chapter 3 of the Extraordinary Session of 2010) encourages increasing numbers of Tennesseans to access public higher education, particularly through the community college system. Further, the General Assembly recognizes that the capacity to serve increasing numbers of Tennesseans through the existing community college system is constrained at certain campuses. It is the intent of this

item to address the most compelling of these capacity constraints through a targeted capital outlay program. There is hereby appropriated the sum of one hundred million dollars (\$100,000,000) (non-recurring) for purposes of implementing a capital outlay program to increase the capacity of Tennessee community colleges to serve Tennesseans.

Notwithstanding the existing capital outlay priority list approved by the board of regents or the existing capital outlay priority list approved by the Tennessee higher education commission, the board of regents is directed to develop a targeted capital outlay program that identifies, prioritizes, and funds projects that (1) build additional instructional capacity in areas that are experiencing sustained high enrollment growth; (2) build additional instructional capacity in locations where current instructional capacity has been stressed or exhausted; (3) provide for construction of academic classrooms, class labs, and other facilities needed to support academic instruction; (4) promote innovation by use of technology-based delivery systems to provide instruction to students who do not have easy access to on-ground instruction; and (5) leverage financial contributions from non-state sources to fund a substantial portion of the project cost, and such contributions from non-state sources hereby are appropriated for the capital outlay projects.

The capital outlay program developed and approved by the board of regents pursuant to this item shall be subject to the approval of the Tennessee higher education commission and the state building commission. Consideration of this program by the Tennessee higher education commission and the state building commission shall be limited to whether the program addresses the criteria stated above.

(b) Notwithstanding the provisions of sub-item (a) of this item, the Commissioner of Finance and Administration is authorized to reallocate from the appropriation made in sub-item (a) a sum sufficient in amounts he determines necessary for disaster recovery from the May 2010 floods and related storm damage in Tennessee for the purposes stated in Section 69 of this act. To the extent reallocated, such sums hereby are appropriated for disaster recovery.

Item 8. To the Department of Economic and Community Development for capital outlay, the sum of \$39,500,000 for the West Tennessee Mega-Site industrial infrastructure project.

Item 9.

(a) In addition to the capital outlay appropriations in Section 1, Title III-32 of this act, there hereby is appropriated to the Wildlife Resources Agency, the sum of \$16,100,000 (non-recurring) for one state fish hatchery. This appropriation is from the general fund and is contingent on acquisition of property for the fish hatchery by the Wildlife Resources Agency.

(b) Notwithstanding the provisions of sub-item (a) of this item, the Commissioner of Finance and Administration is authorized to reallocate from the appropriation made in sub-item (a) a sum sufficient in amounts he determines necessary for disaster recovery from the May 2010 floods and related storm damage in Tennessee for the purposes stated in Section 69 of this act. To the extent reallocated, such sums hereby are appropriated for disaster recovery.

Item 10.

(a) To the Department of Safety, for the drivers license issuance and highway patrol communications systems capital outlay projects, the sum of \$29,500,000 (non-recurring).

(b) The capital outlay contingency appropriation of \$29,500,000 made in paragraph (a) of this item for the driver license issuance and highway patrol communications systems is appropriated in lieu of issuing bonds under the provisions of Senate Bill No. 3916 / House Bill No. 3925. If the capital outlay contingency appropriation is established, (i) the State Funding Board shall take the necessary action to cancel the unissued bonds; (ii) the appropriation in Section 1, Title III-31, Item 5 for Amortization of Authorized and Unissued 10-Year Bonds shall be reduced in the amount of \$3,800,000; and (iii) for the purpose of reducing the reversion requirement of the Highway Patrol by \$3,800,000, allowing approximately fifty (50) vacant Trooper positions to be filled, it is the legislative intent to recognize a reduction of \$3,800,000 in the base recurring over-appropriation in the general fund in 2010-2011 as cited in Section 43, Item 1 of this act.

**2011-2012 CORE SERVICES RESERVE**

AND FURTHER AMEND in Section 43 of the printed bill by adding a new sub-item (b) in item 2 to read as follows:

(b) It is the legislative intent that, at June 30, 2011, the Commissioner of Finance and Administration establish in the general fund a reserve for 2011-2012 appropriations, to be known as the reserve for 2011-2012 core services, in the amount of \$141,000,000. In addition to the amounts for this reserve identified in the 2010-2011 Budget Document, volume 2, Base Budget Reductions, pages 163-186, the reserve shall provide for the following additional core services amounts:

Attorney General and Reporter.....	\$ 464,500
Education – Alvin C. York Institute.....	2,294,400
Mental Health – Mental Health Recovery Services .....	1,215,200
Mental Health – Alcohol and Drug Abuse Services.....	1,384,800
Rounding.....	<u>41,100</u>
Total Additional .....	\$ 5,400,000

**U.S. RECOVERY ACT OF 2009 FEDERAL FUNDS**  
**STATE FISCAL STABILIZATION FUND**

AND FURTHER AMEND in Section 1, Title III-9, of the printed bill by deleting Item 2.1c in its entirety and substituting instead the following:

c. Basic Education Program .....\$ 3,451,459,800.00

and by deleting from Item 2.1 the following:

Subtotal State Programs .....\$ 3,783,459,400.00

and substituting instead the following:

Subtotal State Programs .....\$ 3,620,325,700.00

and by deleting from Item 2 the following:

Total Kindergarten, Elementary and Secondary .....\$ 3,817,454,300.00

and substituting instead the following:

Total Kindergarten, Elementary and Secondary .....\$ 3,654,320,600.00

and by deleting from Section 1, Title III-9, the following:

Total Title III-9 .....\$ 3,861,929,000.00

and substituting instead the following:

Total Title III-9 .....\$ 3,698,795,300.00

and in Section 4, Title III-9, of the printed bill by deleting Item 12 in its entirety and substituting instead the following:

12. Basic Education Program .....	\$ 337,307,300.00
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and by deleting from Section 4, Title III-9, the following:

Total Title III-9 .....	\$ 1,498,373,200.00
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and by substituting instead the following:

Total Title III-9 .....	\$ 1,661,506,900.00
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and in Section 1, Title III-10, of the printed bill by deleting Items 3 and 4 in their entirety and substituting instead the following:

3. University of Tennessee System

3.1 Administrative and Other Services	
a. UT University-Wide Administration .....	\$ 4,431,300.00
b. UT Institute for Public Service .....	4,844,400.00
c. UT Municipal Technical Advisory Service .....	2,856,900.00
d. UT County Technical Assistance Service .....	1,703,800.00
e. UT Access and Diversity Initiative .....	6,131,700.00
f. UT Space Institute.....	8,325,800.00
g. UT Research Initiatives .....	10,993,700.00
Subtotal Administrative and Other Services .....	\$ 39,287,600.00

3.2 Agricultural Services	
a. UT Agricultural Experiment Station.....	\$ 25,494,900.00
b. UT Agricultural Extension Service .....	30,715,400.00
c. UT Veterinary Medicine .....	17,130,500.00
Subtotal Agricultural Services.....	\$ 73,340,800.00

3.3 Medical Education	
a. UT Health Science Center.....	\$ 74,117,200.00
b. UT Family Medicine.....	10,425,000.00
c. UT College of Medicine .....	49,835,000.00
Subtotal Medical Education .....	\$ 134,377,200.00

3.4 University Campuses	
a. UT Chattanooga.....	\$ 45,243,400.00
b. UT Knoxville .....	198,933,800.00
c. UT Martin .....	32,595,300.00
Subtotal University Campuses .....	\$ 276,772,500.00

Total University of Tennessee System .....	\$ 523,778,100.00
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4. Tennessee Board of Regents System

4.1 Administration and Other Services	
a. Tennessee Board of Regents .....	\$ 4,761,200.00
b. Regents Access and Diversity Initiative .....	10,841,500.00
Subtotal Administration and Other Services .....	\$ 15,602,700.00

4.2 Medical Education



a. ETSU College of Medicine .....	\$	29,547,000.00
b. ETSU Family Practice .....		5,945,500.00
Subtotal Medical Education .....	\$	35,492,500.00
4.3 Regional Universities		
a. Austin Peay State University .....	\$	35,415,400.00
b. East Tennessee State University.....		62,124,600.00
c. University of Memphis .....		121,896,000.00
d. Middle Tennessee State University .....		98,956,500.00
e. Tennessee State University.....		40,679,600.00
f. Tennessee Technological University .....		48,634,100.00
Subtotal Regional Universities.....	\$	407,706,200.00
4.4 Community Colleges		
a. Southwest Tennessee Community College ....	\$	40,549,100.00
b. Nashville State Community College.....		16,594,100.00
c. Pellissippi State Community College .....		22,336,200.00
d. Northeast State Community College.....		13,379,200.00
e. Chattanooga State Community College.....		25,608,500.00
f. Cleveland State Community College .....		11,024,700.00
g. Columbia State Community College.....		14,196,600.00
h. Dyersburg State Community College.....		7,733,100.00
i. Jackson State Community College .....		13,290,700.00
j. Motlow State Community College.....		11,157,400.00
k. Roane State Community College.....		19,350,900.00
l. Volunteer State Community College .....		19,501,600.00
m. Walters State Community College.....		19,771,200.00
Subtotal Community Colleges .....	\$	234,493,300.00
4.5 Tennessee Technology Centers.....	\$	54,494,700.00
4.6 Agricultural Centers		
a. TSU McMinnville Center.....	\$	553,000.00
b. TSU Institute of Agricultural and Environmental Research .....		2,250,900.00
c. TSU Cooperative Education .....		2,512,100.00
d. TSU McIntire-Stennis Forestry Research .....		67,500.00
Subtotal Agricultural Centers.....	\$	5,383,500.00
Total Tennessee Board of Regents System .....	\$	753,172,900.00

and in Section 4, Title III-10 of the printed bill by deleting Items 2 and 3 in their entirety and deleting the following:

Total Title III-10 .....\$429,488,200.00

and by substituting instead the following:

Total Title III-10 .....\$266,354,500.00

## **HOUSEKEEPING**

### **NON-RECURRING GRANT NOTIFICATION**

AND FURTHER AMEND by deleting in its entirety Section 64 of the printed bill and substituting instead the following:

SECTION \_\_\_\_\_. The Department of Finance and Administration is directed to notify in writing by October 1, 2010, each entity (other than state agencies or individuals) receiving a grant under this act which is from a non-recurring appropriation that such funding has been identified in the Budget or appropriations act to expire at the end of 2010-2011 or 2011-2012, as applicable, and that such entity is advised to seek alternative non-state funding for future fiscal years or to reduce its budget.

### **REAL ESTATE TRANSFER TAX**

and in Section 7 of the printed bill by adding the following new item:

Item \_\_\_\_\_. From the appropriations in Section 1 of this act, there hereby is appropriated \$17,000,000 from the real estate transfer tax, to be allocated to the following programs, as authorized by Tennessee Code Annotated, Section 67-4-409:

- (a) Agricultural Resources Conservation Fund ..... \$ 3,187,500
- (b) Local Parks Acquisition Fund..... 3,718,700
- (c) State Lands Acquisition Fund ..... 3,187,500

of which \$75,000 shall be allotted for payments in lieu of taxes; and

- (d) 1986 Wetland Acquisition Fund ..... 6,906,300

of which \$400,000 shall be allotted for payments in lieu of taxes.

## **SECTION 39**

AND FURTHER AMEND by deleting in its entirety Section 39 of the printed bill and substituting the following as a new Section 39:

SECTION 39. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. At June 30, 2010, any unexpended balances of departmental

revenues and federal aid funds appropriated in this section are hereby reappropriated in the fiscal year beginning July 1, 2010.

(a) There is hereby appropriated from departmental revenues and federal aid funds the amounts hereinafter set out:

	<u><b>2009- 2010</b></u>	<u><b>2010- 2011</b></u>
Commissions		
1. Commission on Aging and Disability	541,400	1,005,700
Education (K-12)		
1. Improving Schools Program	10,000	3,330,000
Higher Education – State-Administered Programs		
1 . Tennessee Higher Education Commission	41,700	300,000
Health		
1. Local Health Services	9,522,500	9,522,500
Human Services		
1. Disability Determination	0	3,000,000
Tennessee Bureau of Investigation		
1. Tennessee Bureau of Investigation	<u>100,700</u>	<u>100,700</u>
Sub-Total Section 39(a)	<u><b>10,216,300</b></u>	<u><b>17,258,900</b></u>

The Commissioner of Finance and Administration is authorized to establish thirty-four (34) full-time and one (1) part-time positions and to allocate them to the appropriate organizational units, including one (1) part-time position in the District Public Defenders Conference, Executive Director's Office, and one (1) full-time position in the Department of Education, Accountability and Assessment program.

(b) From funds available from U.S. Public Law 111-5, the American Recovery and Reinvestment Act, there is hereby appropriated from federal funds and other departmental revenues the amounts hereinafter set out:

	<u><b>2009- 2010</b></u>	<u><b>2010- 2011</b></u>
Commissions		
1. Commission on Aging and Disability	198,000	800,000
2. Arts Commission	<u>68,000</u>	<u>(68,000)</u>
Sub-Total Commissions	266,000	732,000
Finance and Administration		
1. Electronic Health Initiative	2,655,200	433,800
2. Governor's Office of State Planning and Policy	<u>0</u>	<u>2,168,400</u>
Sub-Total Finance and Administration	<u><b>2,655,200</b></u>	<u><b>2,602,200</b></u>

Finance and Administration, Bureau of TennCare		
1. TennCare Administration	1,369,000	2,700,000
2. TennCare Services	<u>0</u>	<u>60,000,000</u>
Sub-Total Finance and Administration, Bureau of TennCare	1,369,000	62,700,000
Education (K-12)		
1. Energy Efficient Schools Initiative	700,000	2,300,000
Higher Education – State-Administered Programs		
1. Tennessee Higher Education Commission	774,000	4,735,600
Health		
1. Policy Planning and Assessment	0	75,000
2. Communicable and Environmental Disease Services	35,400	533,900
3. Community and Medical Services	<u>400,800</u>	<u>962,000</u>
Sub-Total Health	436,200	1,570,900
Transportation		
1. Air, Water, and Rail Transportation	<u>0</u>	<u>55,300,000</u>
Sub-Total Section 39(b)	<u>6,200,400</u>	<u>129,940,700</u>

The Commissioner of Finance and Administration is authorized to establish twenty (20) full-time positions, and to allocate positions to the appropriate organizational units, and to transfer four (4) positions from the Department of Education to the Higher Education Commission for the federal Race-to-the-Top grant. The Commissioner of Finance and Administration is further authorized to delete one position in the Department of Education and establish one position in the Higher Education Commission, relative to the federally funded program improvement identified on page B-379 of the Budget Document for the statewide longitudinal data system.

Within federal Race-to-the-Top funds available to the Department of Education, the Commissioner of Finance and Administration is authorized to adjust interdepartmental revenue estimates and position authorizations of other state agencies as necessary to assist the Department of Education in implementation of the program.

Grand Total Section 39	<u>16,416,700</u>	<u>147,199,600</u>
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### **OVER-APPROPRIATIONS**

AND FURTHER AMEND in Section 43 of the printed bill by deleting Item 1 in its entirety and substituting instead:

Item 1. It is the legislative intent to recognize over-appropriation reversion savings in the general fund in the following amounts:

(a) In fiscal year 2009-2010 to recognize a base recurring over-appropriation of \$100,300,000 and a TennCare reversion of \$20,000,000 and a non-recurring reversion of \$249,038,000.

(b) In fiscal year 2010-2011 to recognize a base recurring over-appropriation of \$100,300,000 and a TennCare reversion of \$20,000,000 and a reversion of \$17,213,400 in base budget adjustments and reductions.

(c) It is further the legislative intent to recognize enhanced federal match and clawback savings in the TennCare program in fiscal year 2009-2010 and fiscal year 2010-2011 in a total amount of \$121,551,300. The estimates are \$98,300,000 in fiscal year 2009-2010 and \$23,251,300 in fiscal year 2010-2011.

Pursuant to Section 43, Item 2 of this act, the Commissioner of Finance and Administration shall determine the amount available in the TennCare program at June 30, 2010, and establish a Reserve for 2010-2011 Appropriations in the amount determined.

AND FURTHER AMEND in Section 43 of the printed bill by adding a new sub-item in Item 2 to read:

(a) It is the legislative intent that the reserve established at June 30, 2010 shall include a designation in the amount of \$100,492,300 for 2009-2010 Closing Plan – Available Funds.

#### **RAINY DAY FUND**

AND FURTHER AMEND in Section 47 of the printed bill by deleting in Item 1 the figure

“\$501,800,000” and substituting instead the figure “\$453,100,000”;

and by deleting in Item 2 the figure “\$444,700,000” and substituting instead “\$330,600,000”;

#### **OTHER AMENDMENTS**

AND FURTHER AMEND in Section 2 of the printed bill by adding a new item:

Item \_\_\_\_\_. The capital outlay project, Northeast Correctional Complex Various Reroofs – Phase 1, to be funded in the amount of \$6,200,000 from the appropriation made in Section 2, Item 11 (b) of this act and listed on page A140 of the 2010-2011 budget document, is deleted and there is hereby reappropriated the sum of \$6,200,000 to provide for various reroofs at the West Tennessee State Prison Site 3 in Lauderdale County.

AND FURTHER AMEND in Section 6 of the printed bill by adding new items:

Item \_\_\_\_\_. There is hereby appropriated to the Tennessee State School Bond Authority a sum sufficient in the amount of payments allowable to the Authority from the federal government pursuant to the qualified school construction bond program or similar programs, for purposes of debt service on such bonds.

Item \_\_\_\_\_. Pursuant to Tennessee Code Annotated, Section 9-9-208(4), the State Funding Board is directed to cancel unissued bonds in the amount of eleven million six hundred ninety-seven dollars and ninety-seven cents (\$11,000,697.97) authorized by Chapter 313, Public Acts of 2003, the proceeds of which were allocated to the Department of Finance and Administration for the purpose of funding state veterans' homes projects and for the purpose of refunding outstanding debt of the Tennessee Veterans' Homes Board related to state veterans' homes. The provisions of this item shall take effect upon becoming a law, the public welfare requiring it.

AND FURTHER AMEND in Section 8, Item 18 of the printed bill by inserting a new sub-item (g) to read:

(g) Division of Regulatory Services a sum sufficient pursuant to Tennessee Code Annotated, Section 47-18-1311, pertaining to kerosene and motor fuels quality inspection.

AND FURTHER AMEND in Section 9, Item 18 of the printed bill by deleting sub-item (d) in its entirety and substituting instead:

(d) From revenues and reserves of the Small Business Energy Loan Program, Local Government Energy Loan Program, and Tennessee Energy Loan Program.

AND FURTHER AMEND in Section 29 of the printed bill by deleting Item 4 in its entirety and substituting instead:

Item 4. It is the intent of the General Assembly that the fee charges among the public institutions of higher education of the state, be subject to the nature and scope of the institutions, and that the State Board of Regents and the Board of Trustees of the University of Tennessee shall consult with the Higher Education Commission before establishing the fee schedules for the universities, community colleges and technology centers.

AND FURTHER AMEND in Section 29, Item 21 of the printed bill by inserting a new paragraph to read:

The following proposed capital outlay projects, to be funded from school bonds, institutional/auxiliary and other funds, are in addition to those projects listed on pages A-144 through A-146 in the 2010-2011 Budget Document:

**Austin Peay State University**

Baseball Fields Restroom	\$ 150,000
Clement & MMC Building Water Heaters	250,000
Clement Hall Window Replacements	850,000
Dunn Center Steam Line Replacement	740,000
Ellington Hall HVAC Upgrades	1,200,000
Harned Hall HVAC Replacement	610,000
Math and Computer Science Building	5,700,000
Emerald Hills Sprinkler System	1,200,000
<b>Total APSU</b>	<b><u>\$ 10,700,000</u></b>

**East Tennessee State University**

Athletic Weight Room Relocation & Renovation	\$ 300,000
Brown Hall Infrastructure Replacements	2,000,000
Center for Academic Achievement Renovation	300,000
COM Building 4 First Floor Renovation	150,000
Sam Wilson Hall Renovation	250,000
Campus Welcome Center	2,000,000
<b>Total ETSU</b>	<b><u>\$ 5,000,000</u></b>

**Middle Tennessee State University**

Feedwater System and Steam Line Improvements	\$ 1,700,000
Steam Plant & Water Treatment Plant Upgrades	850,000
Fairview Building Renovation	500,000
Health and Wellness Building Addition	5,750,000
Mass Communications Media Convergence Center	570,000

Peck Hall Forensic Labs	270,000
Several Buildings Envelope Repairs	1,100,000
Several Buildings Window Replacements	2,650,000
<b>Total MTSU</b>	<b>\$ 13,390,000</b>

#### **Tennessee State University**

Research Facility Buildout	\$ 2,000,000
Torrence Engineering Building Upgrades	1,550,000
<b>Total TSU</b>	<b>\$ 3,550,000</b>

#### **Tennessee Technological University**

Johnson Hall Classroom Upgrade	\$ 210,000
Prescott Lecture Hall Update	320,000
T.J. Farr Classroom Upgrades	260,000
<b>Total TTU</b>	<b>\$ 790,000</b>

#### **University of Memphis**

Business and Economics Building Restroom Upgrades	\$ 260,000
Clement and Mitchell Hall HVAC Updates	3,100,000
Daycare Expansion	300,000
Hiring Lab Renovations	1,600,000
Indoor Football Practice Facility	9,000,000
Intramural Field Turf and Lighting Upgrades	1,300,000
Music and ROTC Tower	130,000
Normal Hall Building Improvements	200,000
Park Avenue Heating Plant Demolition	400,000
Pool Deck Replacement	250,000
Scates Hall Restroom Renovations	450,000
Large Classroom Improvements	300,000
Student Housing	33,000,000
<b>Total UOM</b>	<b>\$ 50,290,000</b>

#### **Cleveland State Community College**

Science Laboratories Modernization	\$ 600,000
Student Center Renovation	220,000
<b>Total CISCC</b>	<b>\$ 820,000</b>

#### **Jackson State Community College**

Several Buildings Lighting Upgrades	\$ 900,000
Student Parking Repairs	210,000
<b>Total JSCC</b>	<b>\$ 1,110,000</b>

#### **Motlow State Community College**

Eoff Hall Ceiling and Lighting Renovation	\$ 220,000
Several Campus Buildings Exterior Repair	430,000
Power Building Chiller Engine Replacements	140,000
SCAT Building Foundation Repairs	150,000



<b>Total MSCC</b>	<b>\$ 940,000</b>
 <b>Roane State Community College</b>	
Student Services Renovations	\$ 230,000
<b>Total RSCC</b>	<b>\$ 230,000</b>
 <b>Southwest Tennessee Community College</b>	
M Building Renovations	\$ 400,000
Macon Cove Campus Parking Lot	650,000
<b>Total STCC</b>	<b>\$ 1,050,000</b>
 <b>Volunteer State Community College</b>	
Energy Management System Upgrades	\$ 1,300,000
Warf Parking Lot Expansion	700,000
<b>Total VSCC</b>	<b>\$ 2,000,000</b>
 <b>Walters State Community College</b>	
Emergency Generator Installation	\$ 100,000
<b>Total WSCC</b>	<b>\$ 100,000</b>
 <b>Total Tennessee Board of Regents</b>	<b>\$ 89,970,000</b>
 <b>University of Tennessee System</b>	
 <b>University of Tennessee Chattanooga</b>	
Bretske Hall Upgrades	\$ 1,540,000
Several Buildings Roof Replacements	300,000
Several Buildings Floor Finish Replacements	300,000
Maclellan Gym Improvements	1,350,000
Guerry Center Food Service Operations	3,500,000
<b>Total UT Chattanooga</b>	<b>\$ 6,990,000</b>
 <b>UT Health Science Center</b>	
Emergency Power Upgrades	\$ 2,000,000
GEB Improvements	2,750,000
<b>Total UTHSC</b>	<b>\$ 4,750,000</b>
 <b>UT Institute of Agriculture</b>	
Johnson Research Unit HVAC Improvements	\$ 120,000
Clyde Austin Water Line Extension	310,000
<b>Total UT Institute of Agriculture</b>	<b>\$ 430,000</b>

**University of Tennessee Martin**

Upgrade Campus Lighting	\$ 3,300,000
<b>Total UT Martin</b>	<b>\$ 3,300,000</b>
<b>Total University of Tennessee</b>	<b>\$ 15,470,000</b>
<b>Grand Total</b>	<b>\$105,440,000</b>

The East Tennessee State University project, Downtown Clinic, listed on page A-138 of the 2009-2010 Budget Document in the amount of \$2,000,000 and amended per Section 29, Item 18 of Chapter 554, Public Acts of 2009 is to be canceled.

AND FURTHER AMEND in Section 32 of the printed bill by inserting a new sentence to read:

The Commissioner of Economic and Community Development is authorized to transfer sums sufficient from the appropriation for FastTrack Infrastructure and Job Training Assistance to Tennessee Jobs Skills Program, subject to the approval of the Commissioner of Finance and Administration.

AND FURTHER AMEND in Section 36 of the printed bill by deleting Item 44 in its entirety.

AND FURTHER AMEND in Section 36 of the printed bill by deleting in Item 16 the figure "\$1,546,722.03" and substituting instead "\$1,919,392.54".

AND FURTHER AMEND in Section 36 of the printed bill by adding the following new items:

Item \_\_\_\_\_. To the Department of Human Services for the purpose of Child Support Enforcement which remain unobligated and unexpended may be carried forward in reserve.

Item \_\_\_\_\_. To the Department of Human Services for the purpose of Vocational Rehabilitation services to clients which remain unobligated and unexpended may be carried forward in reserve.

AND FURTHER AMEND in Section 41 of the printed bill by adding the following new items:

Item \_\_\_\_\_. The Commissioner of Finance and Administration is authorized to establish three full-time positions in the Department of Correction for cook-chill program security.

Item \_\_\_\_\_. In the fiscal year ending June 30, 2010, the unexpended balances of appropriations made under Chapter 554, Public Acts of 2009, in Section 65, Item 3, for an advanced manufacturing technology center, and Item 4, to the Energy Efficiency and Clean Energy Technology Initiatives, are hereby reappropriated to be expended in the 2010-2011 fiscal year.

The appropriation in sub-item (c) (i) of Item 4 is further reappropriated, as follows. To assist commercial and industrial businesses in Tennessee implementing energy efficiency improvements, the sum of \$15,000,000 to establish a low-interest revolving loan fund or to provide a grant to participate in a loan fund consortium. Such direct appropriation grant may be made to the Southeast Community Capital Corporation or other entity as determined by the Commissioner of Economic and Community Development and approved by the Commissioner of Finance and Administration; provided, however, that the state may recoup any unused loan guarantee, it being the legislative intent that \$14,000,000 be used for the purpose of creating a revolving loan fund or loan consortium; these funds may be used as loan capital, loan guarantees or loan loss reserves to leverage additional loan capital, provided such amounts are approved by the State, for the purpose of making low-interest loans to businesses; and no more than \$1,000,000 of the grant used for operating purposes.

The appropriation in sub-item (c) (ii) of Item 4 is further reappropriated as follows. For participation in a multi-state initiative with the U.S. Department of Energy to demonstrate electric vehicle technologies, the sum of \$2,500,000 for a grant and the sum of \$2,500,000 for rebates to purchase electric vehicles that are eligible under the multi-state initiative.

Item \_\_\_\_\_. The appropriation made to the state office building and support facilities revolving fund pursuant to Chapter 554, Section 68, Item 8 (b) of Public Acts of 2009, is hereby reappropriated for the same purpose in the fiscal year beginning July 1, 2010.

Item \_\_\_\_\_. In the fiscal year ending June 30, 2010, any unexpended balances of appropriations made to the Department of Health for Diabetes Prevention and Health Improvement are hereby reappropriated to be expended in the 2010-2011 fiscal year and such appropriations shall be carried forward in a reserve into the fiscal year beginning July 1, 2010.

AND FURTHER AMEND in Section 56, Item 1 (a) of the printed bill by inserting after the words "health care safety net appropriations" the punctuation and words ", including Project Diabetes,".

### **HOUSEKEEPING AMENDMENTS**

AND FURTHER AMEND in Section 3, Item 1 of the printed bill by deleting in the second paragraph in two (2) places the words "Commissioner of Personnel" and substituting instead "Commissioner of Human Resources".

AND FURTHER AMEND in Section 10, Item 12 of the printed bill by deleting the words "Commissioner of Personnel" and "Department of Personnel" and substituting instead "Commissioner of Human Resources" and "Department of Human Resources".

AND FURTHER AMEND in Section 15, Item 12 of the printed bill by deleting in two (2) places the words "Commissioner of Personnel" and substituting instead "Commissioner of Human Resources".

AND FURTHER AMEND in Section 23 of the printed bill by deleting in the first paragraph the words "Commissioner of Personnel" and substituting instead "Commissioner of Human Resources".

AND FURTHER AMEND in Section 28 of the printed bill by deleting the words "Commissioner of Personnel" and substituting instead "Commissioner of Human Resources".

AND FURTHER AMEND in Section 30 of the printed bill by deleting in the fourth paragraph in two (2) places the words "Commissioner of Personnel" and substituting instead "Commissioner of Human Resources".

AND FURTHER AMEND in Section 41, Item 1, sub-item (1) (d) of the printed bill by deleting the words “Department of Personnel” and substituting instead “Department of Human Resources”.

AND FURTHER AMEND in Section 10, Item 22 of the printed bill by deleting the words “and/or the Department of Safety” and by inserting a period after the words “Department of Revenue”.

AND FURTHER AMEND in Section 12, Item 2 of the printed bill by deleting the words “public necessity rules” and substituting instead “emergency rules”.

AND FURTHER AMEND in Section 31 of the printed bill by adding in the last paragraph a new sentence to read:

“Any unexpended funds at June 30, 2010, are hereby reappropriated in the 2010-2011 fiscal year”.

AND FURTHER AMEND in Section 35, Item 9 of the printed bill by deleting the words “Department of Children’s” and substituting instead “Department of Children’s Services”.

AND FURTHER AMEND in Section 41, Item 23 of the printed bill by deleting in the first sentence the word “is” and substituting instead “was”; and by deleting the dates “June 30, 2009 and June 30, 2010” and substituting instead “June 30, 2010 and June 30, 2011”.

AND FURTHER AMEND in Section 46, Item 2 of the printed bill by deleting the T.C.A. citation “Title 55, Chapter 4, Part 132” and substituting instead “Section 55-4-132”.

AND FURTHER AMEND in Section 52, Item 2 of the printed bill by deleting in the first sentence the academic year reference “2009-2010” and substituting instead “2010-2011”.

AND FURTHER AMEND in Section 49, Item 2 of the printed bill by deleting the incomplete citation “Senate Bill No. \_\_\_\_ / House Bill No. \_\_\_\_” and substituting instead “Senate Bill No. 3880 / House Bill No. 3796”.

AND FURTHER AMEND in Section 59, Item 1 of the printed bill by deleting the incomplete citation “Senate Bill No. \_\_\_\_ / House Bill No. \_\_\_\_” and substituting instead “Senate Bill No. 3901 / House Bill No. 3787”.

AND FURTHER AMEND in Section 59, Item 2 of the printed bill by deleting the incomplete citation "Senate Bill No. \_\_\_\_ / House Bill No. \_\_\_\_ and substituting instead "Senate Bill No. 3912 / House Bill No. 3780".

AND FURTHER AMEND in Section 59, Item 3 (a) of the printed bill by deleting the incomplete citation "Senate Bill No. \_\_\_\_ House Bill No. \_\_\_\_" and substituting instead "Senate Bill No. 2902 / House Bill No. 3527".

AND FURTHER AMEND in Section 59, Item 3 (b) of the printed bill by deleting the incomplete citation "Senate Bill No. \_\_\_\_ / House Bill No. \_\_\_\_" and substituting instead "Senate Bill No. 2900 / House Bill No. 3543 and Senate Bill No. 2901 / House Bill No. 3538".

AND FURTHER AMEND in Section 65 of the printed bill by deleting the incomplete citation "Senate Bill No. \_\_\_\_ / House Bill No. \_\_\_\_" and substituting instead "Senate Bill No. 3916 / House Bill No. 3925".

AND FURTHER AMEND by requesting the Engrossing Clerk to delete the bold underlined explanatory headings in this amendment.

### **LEGISLATIVE ADJUSTMENTS**

AND FURTHER AMEND by deleting the following language:

#### **REAL ESTATE TRANSFER TAX**

and in Section 7 of the printed bill by adding the following new item:

Item \_\_\_\_\_. From the appropriations in Section 1 of this act, there hereby is appropriated \$17,000,000 from the real estate transfer tax, to be allocated to the following programs, as authorized by Tennessee Code Annotated, Section 67-4-409:

- (a) Agricultural Resources Conservation Fund..... \$ 3,187,500
- (b) Local Parks Acquisition Fund..... 3,718,700
- (c) State Lands Acquisition Fund ..... 3,187,500

of which \$75,000 shall be allotted for payments in lieu of taxes; and

(d) 1986 Wetland Acquisition Fund ..... 6,906,300

of which \$400,000 shall be allotted for payments in lieu of taxes.

and by substituting instead the following:

**REAL ESTATE TRANSFER TAX**

and in Section 7 of the printed bill by adding the following new items:

Item \_\_\_\_.

(a) From the appropriations in Section 1 of this act, there hereby is appropriated \$8,325,000 from the real estate transfer tax, to be allocated to the following programs, as authorized by Tennessee Code Annotated, Section 67-4-409:

(1) Agricultural Resources Conservation Fund ..... \$ 2,250,000

(2) Local Parks Acquisition Fund ..... 0

(3) State Lands Acquisition Fund ..... 75,000

of which \$75,000 shall be allotted for payments in lieu of taxes; and

(4) 1986 Wetland Acquisition Fund ..... 6,000,000

of which \$400,000 shall be allotted for payments in lieu of taxes.

(b) From the appropriations in Section 1 of this act, there is appropriated from the general fund the sum of \$8,675,000 (non-recurring) to the following funds:

(1) Agricultural Resources Conservation Fund ..... \$ 937,500

(2) Local Parks Acquisition Fund ..... 3,718,700

(3) State Lands Acquisition Fund ..... 3,112,500;

and

(4) 1986 Wetland Acquisition Fund ..... 906,300.

Item \_\_\_\_.

(a) The appropriation made to the Department of Agriculture in Section 1 of this act is reduced by the sum of \$6,300,000. Such funding reduction is for the purpose of reducing the base appropriation for the agricultural enhancement program.

(b) In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$6,300,000 (non-recurring) to the Department of Agriculture for the purpose of the agricultural enhancement program.

#### **SECTION 10 EARMARKS, REDUCTIONS, APPROPRIATIONS**

AND FURTHER AMEND by adding the following new items at the end of Section 10:

Item \_\_\_\_.

(a) From the funds appropriated to the Department of Transportation, there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 2503 / House Bill 2524, Senate Bill 2723 / House Bill 2696, Senate Bill 2386 / House Bill 2435, Senate Bill 2516 / House Bill 2480, Senate Bill 3010 / House Bill 2990, Senate Bill 2855 / House Bill 2548, Senate Bill 401 / House Bill 1338, Senate Bill 3665 / House Bill 3739, Senate Bill 3673 / House Bill 3740, Senate Bill 3667 / House Bill 3736, Senate Bill 3668 / House Bill 3735, Senate Joint Resolution 764, House Joint Resolution 917, House Joint Resolution 955 and House Joint Resolution 806, if such bills and resolutions become law.

(b) From the funds appropriated to the Department of Transportation, there is earmarked a sum sufficient for the sole purpose of funding any general bill or resolution, that becomes law, designating an interstate, United States highway or state highway as a memorial highway or as a memorial bridge for certain individuals killed in the line of duty, pursuant to § 54-1-133 or § 54-5-1003, that is not otherwise funded in this act.

Item \_\_\_\_\_. From the Unemployment Insurance Administrative Fund, there is appropriated a sum sufficient for the sole purpose of implementing Senate Joint Resolution 869, relative to naming the Tennessee Career Center on Old Fort Parkway in Murfreesboro, if such resolution becomes law.

Item \_\_\_\_\_. From the Wildlife Resources Fund, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 3061 / House Bill 3936,



relative to the Tennessee Wildlife Resources Advisory Committee, if such bill becomes law.

Item \_\_\_\_\_. From funds available to the Board of Medical Examiners, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 3092 / House Bill 3251, relative to immigration verification, if such bill becomes law.

Item \_\_\_\_\_. From funds available to the Board of Examiners of Land Surveyors, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 2775 / House Bill 3247, relative to retired land surveyors, if such bill becomes law.

Item \_\_\_\_\_. The appropriation to the Department of Finance and Administration, Division of Intellectual Disabilities, in Section 1 of this act is reduced by the sum of \$38,000,000. Such funding reduction is for the purpose of reducing the capital outlay appropriation for group homes from \$50,000,000 to \$12,000,000.

Item \_\_\_\_\_.

(a) The appropriation made for the Tennessee Student Assistance Award Program (TSAA) by the provisions of this act is reduced by the sum of \$3,200,000. Such funding reduction is for the purpose of reducing the base appropriation for such program.

(b) In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$3,200,000 (non-recurring) to the Tennessee Student Assistance Corporation for the purpose of TSAA.

Item \_\_\_\_\_.

(a) The appropriation made to the Department of Finance and Administration, Bureau of TennCare, in Section 1 of this act is reduced by the sum of \$2,272,800. Such funding reduction is for the purpose of reducing the base appropriation for perinatal outreach grants.

(b) In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,272,800 (non-recurring) to the Department of Finance and Administration, Bureau of TennCare for the purpose of perinatal outreach grants.

Item \_\_\_\_\_. The appropriation made to the Department of Finance and Administration in Section 1 of this act is reduced by the sum of \$1,725,000 (non-recurring). Such funding reduction is for the purpose of reducing improvement funds available as matching funds for health information technology.

Item \_\_\_\_\_. The appropriation made to the Department of Education in Section 1 of this act is reduced by the sum of \$5,443,800. Such funding reduction is for the purpose of reducing the base appropriation for the career ladder program due to natural attrition.

Item \_\_\_\_.

(a) The appropriation made to the Tennessee Arts Commission by the provisions of this act is reduced by the sum of \$754,900. Such funding reduction is for the purpose of reducing the base appropriation for Arts Commission grants.

(b) In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$754,900 (non-recurring) to the Tennessee Arts Commission for the purpose of Arts Commission grants.

Item \_\_\_\_.

(a) The appropriation made to the Department of Education in Section 1 of this act is reduced by the sum of \$2,241,000. Such funding reduction is for the purpose of reducing the base appropriation for the Governor's Schools program.

(b) In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,241,000 (non-recurring) to the Department of Education for the purpose of the Governor's Schools program.

Item \_\_\_\_.

(a) The appropriations made to state agencies by the provisions of this act are reduced by the sum of \$986,300. Such funding reduction is for the purpose of eliminating the recurring base appropriation for performance-based budgeting operational support. The Commissioner of Finance and Administration is directed to allocate such adjustment to the appropriate organizational units and to adjust dedicated and departmental revenues accordingly.

(b) In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$986,300 (non-recurring) to state agencies for the purpose of performance-based budgeting operational support. The Commissioner of Finance and Administration is directed to allocate such adjustment to the appropriate organizational units and to adjust dedicated and departmental revenues accordingly.

Item \_\_\_\_.

(a) The appropriation made to the Department of Education in Section 1 of this act is reduced by the sum of \$7,000,000. Such funding reduction is for the purpose of reducing the base appropriation for average daily membership (ADM) growth funding in the Basic Education Plan (BEP).

(b) In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$7,000,000 (non-recurring) to the Department of Education for the purpose of ADM growth funding in the BEP.

Item \_\_\_\_\_. The appropriation made to Miscellaneous Appropriations in Section 1 of this act is reduced by the sum of \$1,300,000 (non-recurring). Such funding reduction is for the purpose of reducing the appropriation for the Severance Benefit Plan.

Item \_\_\_\_\_. From the funds appropriated to the Department of Environment and Conservation, there is earmarked a sum sufficient for the sole purpose of continuing restaurant operations at Henry Horton State Park for one year.

Item \_\_\_\_\_. From the funds appropriated to the Department of Economic and Community Development, there is earmarked a sum sufficient not to exceed \$560,000 for the sole purpose of industrial retention initiatives in counties that are economically distressed or counties that are contiguous to at least two economically distressed counties.

Item \_\_\_\_\_. From the funds appropriated to the Department of Children's Services, there is earmarked \$77,700 for the sole purpose of restoring the position of chaplain at Wilder Youth Development Center, Fayette County.

Item \_\_\_\_\_. From the Unemployment Insurance Fund, there is appropriated \$183,000 (recurring) and \$44,000 (non-recurring) for the sole purpose of implementing Senate Bill 2409 / House Bill 3889, relative to unemployment compensation, if such bill becomes a law.

Item \_\_\_\_\_. From the funds appropriated to the Department of Economic and Community Development, there is earmarked a sum sufficient for the sole purpose of continued support of the Tennessee Technology Development Corporation until June 30, 2011.

Item \_\_\_\_\_. From the funds appropriated by this act, the State Funding Board is directed to conduct a study of the budgeted contingency costs of capital outlay projects compared to the actual costs of such capital outlay projects to increase efficiency in state government. Such study shall examine the methodologies and reporting requirements of entities completing such capital outlay projects and the use of such contingency funds to develop best practices for managing the public debt of the state. It is the legislative intent that all entities eligible to receive state bond proceeds participate in such study by providing timely information and other services as requested by the State Funding Board.

Item \_\_\_\_\_. From the appropriations made to the Tennessee Department of Treasury by this act, there is earmarked a sum sufficient for any expenses incurred by the state treasurer in conducting a study of the receipt and deposit of funds, checks or other instruments of payment that are received by state departments, agencies, bureaus or other instrumentalities (except the University of Tennessee and the Tennessee Board of Regents) to determine if the implementation of technologies such as electronic receipt of payments, the use of echeck, check scanning or other technologies would increase efficiencies for the state, reduce costs or improve earnings on the state treasury. Any such findings and recommendations shall be reported to the state funding board. It is the legislative intent that all state departments, agencies, bureaus and instrumentalities

cooperate with the Treasury Department in furnishing requested information necessary for the preparation of such study.

Item \_\_. From the funds appropriated by this act, the Comptroller of the Treasury is directed to conduct a performance evaluation of all joint oversight committees of the General Assembly and report the findings to the Chairmen of the Finance, Ways and Means Committees of the House of Representatives and the Senate no later than January 15, 2011.

Item \_\_. From the funds appropriated to the Administrative Office of the Courts, there is earmarked a sum sufficient for the sole purpose of conducting a study of the rising costs of indigent defense in the state and to develop a plan to reduce such costs. Such study shall examine, at a minimum, eligibility requirements, fee rates including sliding scale options, limits, verification processes, and utilization by judicial districts. The District Attorneys General Conference, District Public Defenders Conference, Post-Conviction Defenders Conference, Attorney General's Office, members of the Judiciary Committees of the Senate and House of Representatives, and any other participant in the criminal justice system as requested by the Administrative Office of the Courts shall participate in such study. The Judicial Council may participate in such study as directed by the Administrative Office of the Courts. The Administrative Office of the Courts shall report its findings, including any recommended legislation, to the General Assembly no later than January 15, 2011.

## **SECTION 12 APPROPRIATIONS**

AND FURTHER AMEND by adding the following new items to the end of Section 12:

Item \_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to the Department of Finance and Administration for distribution to the appropriate entities for the sole purpose of implementing Senate Bill 1997 / House Bill 1911, Senate Bill 2655 / House Bill 2625, Senate Bill 3290 / House Bill 3181, Senate Bill 3209 / House Bill 3529, Senate Bill 2392 / House Bill 2693, Senate

Bill 3739 / House Bill 3063, Senate Bill 2724 / House Bill 2788, Senate Bill 3219 / House Bill 3277, Senate Bill 2882 / House Bill 2872, Senate Bill 3097 / House Bill 3176, Senate Bill 2407 / House Bill 2474, Senate Bill 3551 / House Bill 3634, Senate Bill 3268 / House Bill 3413, Senate Bill 2886 / House Bill 2989, Senate Bill 3100 / House Bill 3142, Senate Bill 2914 / House Bill 3272, Senate Bill 2721 / House Bill 2796, Senate Bill 2789 / House Bill 3499, Senate Bill 2616 / House Bill 2556, Senate Bill 3501 / House Bill 3683, Senate Bill 3135 / House Bill 3169, Senate Bill 2768 / House Bill 2644, Senate Bill 3354 / House Bill 2645, and House Joint Resolution 1318, if such bills and resolutions become law. It is the legislative intent that if funding is earmarked for such implementation in such bills or resolutions that the funds appropriated in this item be reduced accordingly.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 3591 / House Bill 3163, relative to workers' compensation, if such bill becomes a law.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$40,000 for the sole purpose of implementing Senate Bill 3121 / House Bill 3282, relative to violations of implied consent, if such bill becomes a law.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$18,000,000 (non-recurring) to the Department of Correction, for the sole purpose of maintaining operations at the Whiteville Correctional Facility for a six month period beginning January 1, 2011, and continuing until June 30, 2011 or for such other six month or longer period as negotiated by the department.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated to the Department of Finance and Administration, Division of Intellectual Disability Services, the sum of \$4,019,100 (non-recurring) to be matched with any and all available federal funds for the sole purpose of maintaining operations of the Greene Valley Developmental Center including all authorized positions.

Item \_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated to the Department of Finance and Administration, Division of Intellectual Disability Services the sum of \$3,960,000 (non-recurring) to be matched with any and all available federal funds for an anticipated total amount of \$16,200,000, for the sole purpose of maintaining residential rates paid to providers for levels of need categories one through four at not less than the rates provided in fiscal year 2009-2010. It is the legislative intent that such levels be maintained during fiscal year 2010-2011.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is hereby appropriated to the Department of Mental Health and Developmental Disabilities the sum of \$1,500,000 (non-recurring) to be expended as follows:

(a) \$ 1,000,000 to fund crisis response services and Crisis Stabilization Units for increasing numbers of uninsured persons experiencing psychiatric emergencies in Tennessee; and

(b) \$ 500,000 for the Behavioral Health Safety Net of Tennessee to fund basic services for increasing numbers of SPMI being enrolled.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the department of education for the sole purpose of allocating such sum as grants in equal amounts to each Tennessee public television station, to be used for equipment, programs and operational expenses.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$157,500 (non-recurring) to the Department of Tourist Development for the purposes of web site development, marketing, advertising and other support services for the Tennessee Sesquicentennial Commission.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,786,000 (non-recurring) for the sole purpose of implementing Senate Bill 3101 / House Bill 3114, relative to extending foster care services, if such bill becomes a law.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,900,000 (non-recurring) to the Department of Mental Health and Developmental Disabilities for the sole purpose of making grants from such amount to private hospitals receiving funding prior to November 2008 for inpatient psychiatric treatment of uninsured committed patients, to be used for continued funding of such inpatient psychiatric treatment of uninsured committed patients.

Item \_\_\_\_\_. To the Department of Economic and Community Development for capital outlay, the sum of \$22,300,000 (non-recurring) for the West Tennessee Mega-Site industrial infrastructure project.

Item \_\_\_\_\_. To the Department of Education, Basic Education Program (BEP), the sum of \$29,600,000 (non-recurring) for 2010-2011 capital outlay funding in the BEP calculation pursuant to the BEP non-recurring appropriation provision of Senate Bill 3880 / House Bill 3796 or, alternatively, Senate Bill 2616 / House Bill 2556.

Item \_\_\_\_\_.

(a) In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$270,000 (non-recurring) to the Department of Environment and Conservation for maintenance and operational expenses of the golf course at T. O. Fuller State Park. It is the legislative intent that such golf course remain open and operational for a period of one year while the department of environment and conservation seeks appropriate partnerships with municipal and county government and non-profit entities for sustainability in continued operation of the golf course and park.

(b) In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$41,000 (non-recurring) to the Department of Environment and Conservation for maintenance and operational expenses of the golf course at Old Stone Fort State Park. It is the legislative intent that such golf course remain open and operational for a period of one year while the department of environment and conservation seeks appropriate partnerships with



municipal and county government and non-profit entities for sustainability in continued operation of the golf course and park.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated from the general fund the sum of \$1,500,000 (recurring) to the Tennessee Wildlife Resources Agency for the purpose of non-game and endangered species and similar wildlife management activities.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$192,300 (non-recurring) to the legislative department for hardware, software and associated supplies and training for purposes of constitutionally-mandated decennial redistricting.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated to the Department of Agriculture, the sum of \$30,000 (non-recurring) for the sole purpose of black fly suppression programs and treatment.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$65,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the East Tennessee Community Design Center in Knoxville, to be used for programs, services and operational expenses.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$25,000 (non-recurring) to the state building commission for the sole purpose of studying issues related to maintenance of state facilities including roofs thereof.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$60,000 (recurring) to the Comptroller of the Treasury for the sole purpose of continuation of property assessor certification payments.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$30,000 (non-recurring) to the Tennessee Historical

Commission for the sole purpose of the continuation of the historical interpretation pilot project. It is the intent of the General Assembly that such funds be distributed to the same property funded in Section 12, Item 14, of Chapter 554 of the Public Acts of 2009.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated from the general fund the sum of \$97,000 (non-recurring) to the Tennessee Wildlife Resources Agency for the sole purpose of improving accessibility to lakes.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (non-recurring) to the department of finance and administration for the sole purpose of making a grant in such amount to Emotional Fitness Centers of Tennessee, to be used for the expansion of services.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$35,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Academy of Youth and Empowerment in Shelby County, to be used for equipment, programs, services and operational expenses.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$90,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the National Institute for Law and Equity (NILE), to be used for operational expenses and programs including continuation of the Parent Partner Program.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 (non-recurring) to the commission on aging and disability for the sole purpose of funding Meals on Wheels programs.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the West Tennessee Seismic Safety Commission, created pursuant to title 58, chapter 9, part 1, for the purpose of seismic research and services.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$5,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Public Safety Network, to be used for operational expenses including responding to critical incidents involving law enforcement agencies and officers.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$300,000 (non-recurring) to the department of finance and administration for the sole purpose of making a grant in such amount to the Amachi Mentoring Program operated statewide by Big Brothers Big Sisters of Middle Tennessee. It is the intent of the general assembly that such grant funds shall be distributed to participating Tennessee Big Brothers Big Sisters programs based on the number of children served.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$150,000 (non-recurring) to the Tennessee historical commission for the sole purpose of making a grant in such amount to the Stax Museum in Memphis, to be used for defrayal of operational costs.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$175,000 (non-recurring) to the department of health for the sole purpose of making a grant in such amount to St. Jude Hospital in Memphis, to defray, in whole or in part, the expenses of patients and their families who are citizens and residents of Tennessee in traveling to and from St. Jude Hospital. Such payments shall be administered by the hospital and shall be made on the basis of need. Such patients, or their families, requesting assistance from these funds shall supply such documents supporting need and travel expenses as the hospital may require.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$80,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to

The Crumley House Brain Injury Foundation in Limestone, to be used for day-training and transitional living services for brain-injury survivors.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$29,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to A Secret Safe Place for Newborns of Tennessee, Inc., to be used for operational and educational expenses to promote the Safe Haven Law.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Education for the sole purpose of making a grant in such amount to the Education Equal Opportunity Group, Inc. (EEOG), to be used to support student participation in EEOG programs for at-risk and under-served students.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$125,000 (non-recurring) to the Department of Health for the sole purpose of making a grant in such amount to the Memphis Oral School for the Deaf, to be used for programs and operational expenses.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Freedom From Unnecessary Negatives, a non-profit corporation located in Shelby County, to be used for the operation of community-based programs to prevent and resolve social and economic issues of urban youth and young adults.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriate the sum of \$36,800 (recurring) for the sole purpose of implementing Senate Bill 2701 / House Bill 2765, relative to meetings and related expenses of the Second Look Commission, if such bill becomes a law.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$83,500 (recurring) and \$5,000 (non-recurring) to

Tennessee Commission on Children and Youth for the purpose of funding one position and equipment for such position to support the Second Look Commission, Senate Bill 2701 / House Bill 2765, if such bill becomes a law.

Item \_\_\_\_\_. If Senate Bill 3431 / House Bill 2813, relative to non-violent property offenses and aggravated robbery offense sentencing, becomes a law, the appropriations in Section 1 are reduced by a sum sufficient estimated to be \$261,300, to be allocated as follows:

(a) Department of Correction, state prosecutions, resulting from a reduction in state felons in local jails, reduced by \$10,289,400;

(b) Department of Correction, Sentencing Act of 1985, for incarceration in state prisons, increased by \$9,028,200, and such amount hereby is appropriated; and

(c) Board of Probation and Parole, Community Corrections program, increased by \$999,900, and such amount hereby is appropriated.

Item \_\_\_\_\_. To higher education programs the sum of \$50,900,000 (non-recurring) for operating budget support, such appropriation to be allocated to the units of higher education as follows:

A. State Administered Programs

1. Centers of Excellence .....	\$	738,100
2. Campus Centers of Emphasis .....		69,900
Sub-Total State Administered Programs.....	\$	808,000

B. University of Tennessee System

1. UT Institute for Public Service .....	\$	66,800
2. UT Municipal Technical Advisory Service .....		69,500
3. UT County Technical Assistance Service .....		43,300
4. UT Access and Diversity Initiative .....		258,000
5. UT Space Institute.....		228,600
6. UT Agricultural Experiment Station.....		605,100
7. UT Agricultural Extension Service .....		677,700
8. UT Veterinary Medicine .....		421,200
9. UT Health Science Center.....		974,600
10. UT Family Medicine.....		244,000
11. UT College of Medicine .....		1,334,700
12. UT Chattanooga.....		2,366,300
13. UT Knoxville.....		10,024,200
14. UT Martin .....		1,724,100
Sub-Total University of Tennessee System .....	\$	19,038,100

C. Tennessee Board of Regents System		
1. Regents Access and Diversity Initiative .....	\$	456,100
2. ETSU College of Medicine .....		699,700
3. ETSU Family Practice .....		132,400
4. Austin Peay State University .....		2,000,400
5. East Tennessee State University .....		3,209,500
6. University of Memphis .....		6,053,700
7. Middle Tennessee State University .....		5,397,300
8. Tennessee State University.....		2,572,500
9. Tennessee Technological University .....		2,417,100
10. Southwest Tennessee Community College .....		1,167,000
11. Nashville State Community College .....		502,800
12. Pellissippi State Community College .....		669,600
13. Northeast State Community College .....		388,900
14. Chattanooga State Community College.....		714,500
15. Cleveland State Community College .....		295,000
16. Columbia State Community College .....		408,600
17. Dyersburg State Community College .....		210,900
18. Jackson State Community College.....		382,400
19. Motlow State Community College.....		330,200
20. Roane State Community College .....		537,600
21. Volunteer State Community College.....		552,500
22. Walters State Community College.....		538,100
23. Tennessee Technology Centers.....		1,417,100
Sub-Total Tennessee Board of Regents System .....	\$	31,053,900
Total Higher Education.....	\$	50,900,000

#### **401(k) NON-RECURRING**

AND FURTHER AMEND by adding the following new subdivision to Item 1 in Section 41:

(6) It is the legislative intent that the supplemental appropriations made in subdivisions (2), (3) and (4) of this item are non-recurring; provided that an amount equal to the estimated actual supplemental appropriations be included in the core services reserve for 2011-2012 as otherwise provided in this act.

#### **RAINY DAY FUND**

AND FURTHER AMEND by deleting Section 47 in its entirety and by substituting instead the following language:

SECTION 47. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it.

Item 1. From state revenues and other funds available to the general fund in excess of requirements for the fiscal year ending June 30, 2010, the

Commissioner of Finance and Administration shall establish the Revenue Fluctuation Reserve in such amount as may be available under the provisions of Tennessee Code Annotated, Section 9-4-211. Provided, it is the legislative intent that the Revenue Fluctuation Reserve be set at a level of not less than \$453,100,000 on June 30, 2010.

Item 2. From state revenues and other funds available to the general fund in excess of requirements for the fiscal year ending June 30, 2011, the Commissioner of Finance and Administration shall establish the Revenue Fluctuation Reserve in such amount as may be available under the provisions of Tennessee Code Annotated, Section 9-4-211. Provided, it is the legislative intent that the Revenue Fluctuation Reserve be set at a level of not less than \$257,300,000 on June 30, 2011.

#### **STATUTORY SALARY STEP RAISE RESTORATION**

AND FURTHER AMEND by deleting Item 2 in SECTION 49 in its entirety and by substituting instead the following:

Item 2. In addition to any other funds appropriated by the provisions of this act, there is appropriated from the general fund the sum of \$1,897,400 and from dedicated funds the sum of \$545,000 for the sole purpose of funding the statutory salary step raises in the 2010-2011 fiscal year for the following officials and commissioned officers: a) assistant district attorneys general and criminal investigators; b) assistant public defenders and investigators; c) assistant post conviction defenders; d) commissioned officers in the Department of Safety and the Tennessee Law Enforcement Training Academy; and e) wildlife officers, biologists and unique positions of the Tennessee Wildlife Resources Agency. The Commissioner of Finance and Administration is authorized to allocate this appropriation to the appropriate organizational units and to adjust dedicated appropriations and departmental revenue accordingly.

### **LONGEVITY PAYMENT**

AND FURTHER AMEND by deleting Section 60 in its entirety and by substituting instead the following:

#### **SECTION 60.**

Item 1. The appropriation in Section 1, Title III-22, to miscellaneous appropriations for a 3 percent salary bonus is reduced by the sum of \$45,600,000 (non-recurring) to eliminate the salary bonus.

Item 2. The appropriation in Section 1, Title III-10, to higher education for a 3 percent salary bonus is reduced by the sum of \$51,300,000 (non-recurring) to eliminate the salary bonus.

Item 3. The appropriation in Section 1, Title III-9, Item 2.1c, Basic Education Program, for a 3 percent salary bonus is reduced by the sum of \$67,800,000 (non-recurring) to eliminate the salary bonus.

#### **Item 4.**

(a) Notwithstanding any provision of this act to the contrary, if accrued, recurring general fund revenues collected by the Department of Revenue exceed \$8,186,300,000 by at least \$50,000,000, as determined by the Commissioner of Finance and Administration after consultation with the Comptroller of the Treasury no later than October 1, 2010, then:

(i) In addition to any other appropriations made by the provisions of this act, there is appropriated a sum sufficient for the purpose of funding an additional one-time longevity payment to state employees and employees of higher education institutions. It is the legislative intent that such payment be paid to state employees on or about October 31, 2010, and shall be based upon, insofar as possible, an amount equal to \$50.00 per year of service; provided no total



payment shall be less than \$150 nor more than \$1,250. It is further the legislative intent that additional longevity payments for employees of higher education be distributed in a similar manner. Amounts paid under this item shall be included as earnable compensation for retirement purposes. To be eligible for a payment under this section, an employee shall have at least one (1) year of service prior to October 1, 2010.

(ii) In addition to all other appropriations made by the provisions of this act, there is appropriated a sum sufficient for the purpose of funding a like payment as provided in sub-item (a) for all licensed personnel within local education agencies for fiscal year 2010-2011. It is the legislative intent that each person eligible for such payment shall receive an equal share. The Commissioner of Education shall develop a plan for distribution of such amount to achieve this intent, with such plan subject to approval of the Commissioner of Finance and Administration. It is further the legislative intent that such stipend shall be paid on or about October 31, 2010; and that amounts paid under this item shall be included as earnable compensation for retirement purposes.

(b) In determining the amount by which the revised recurring estimate of \$8,186,300,000 is exceeded, the Commissioner of Finance and Administration shall exclude any portion of a \$42,000,000 non-recurring estimate that is collected and accrued to fiscal year 2009-2010.

(c) This item shall not apply to judges, members of the General Assembly, the Comptroller of the Treasury, the Treasurer, the Secretary of State or the Governor.

AND FURTHER AMEND by deleting Section 71, described by the bold underlined explanatory heading as "**CONTINGENCY APPROPRIATIONS**", in its entirety and by substituting instead the following:

#### **CONTINGENCY APPROPRIATIONS**

SECTION 71.

(a) The provisions of this section are contingent upon determination by the Commissioner of Finance and Administration that a 2010 or 2011 U.S. public law, rule, or policy provides additional federal aid to the state through continuation of an enhanced federal medical assistance percentage (FMAP) in the Medicaid program. Before establishing the appropriations made in this section, the commissioner in writing shall notify the Speakers of the Senate and House of Representatives and the chairs of the Finance, Ways and Means committees of the Senate and House of Representatives, the director of the Office of Legislative Budget Analysis, and the executive director of the Fiscal Review Committee.

(b) Contingent upon the availability of such federal aid revenue, the Commissioner of Finance and Administration is authorized to reduce the TennCare appropriation made in Section 1 of this act, to increase the estimate of federal aid to the TennCare program made in Section 4 of this act, to establish the following non-recurring appropriations, to allocate the appropriations to the appropriate organizational units and agencies, and to adjust federal aid and other departmental revenues accordingly:

Item 1. The appropriation to the TennCare program in Section 1, Title III-26, of this act is reduced by \$341,600,000 (non-recurring reduction) or, alternatively, is reduced by such lower amount of such federal aid revenue as may be actually provided to the State of Tennessee, and in addition to the appropriation of federal aid to the TennCare program in Section 4, Title III-25, there hereby is appropriated the sum of \$341,600,000 (non-recurring) or, alternatively, there is appropriated a sum equal to such lower amount of such federal aid revenue as may be actually provided to the State of Tennessee, from federal aid revenue.

Item 2.

(A) Community College Special Capital Outlay Appropriation. The General Assembly recognizes that the Complete College Tennessee Act of 2010 (Public Chapter 3 of the Extraordinary Session of 2010) encourages increasing numbers of Tennesseans to access public higher education, particularly through the community college system. Further, the General Assembly recognizes that the capacity to serve increasing numbers

of Tennesseans through the existing community college system is constrained at certain campuses. It is the intent of this item to address the most compelling of these capacity constraints through a targeted capital outlay program. There is hereby appropriated the sum of \$120,000,000 (non-recurring) for purposes of implementing a capital outlay program to increase the capacity of Tennessee community colleges to serve Tennesseans. Notwithstanding the existing capital outlay priority list approved by the board of regents or the existing capital outlay priority list approved by the Tennessee higher education commission, the board of regents is directed to develop a targeted capital outlay program that identifies, prioritizes, and funds projects that (1) build additional instructional capacity in areas that are experiencing sustained high enrollment growth; (2) build additional instructional capacity in locations where current instructional and related student support capacity has been stressed or exhausted; (3) provide for construction of academic classrooms, class labs, and other facilities needed to support academic instruction; (4) promote innovation by use of technology-based delivery systems to provide instruction to students who do not have easy access to on-ground instruction; and (5) leverage financial contributions from non-state sources to fund a substantial portion of the project cost, and such contributions from non-state sources hereby are appropriated for the capital outlay projects.

The capital outlay program developed and approved by the board of regents pursuant to this item shall be subject to the approval of the Tennessee higher education commission and the state building commission. Consideration of this program by the Tennessee higher education commission and the state building commission shall be limited to whether the program addresses the criteria stated above.

Notwithstanding other provisions of this section to the contrary, if the continuation of the enhanced federal medical assistance percentage (FMAP) is not authorized in the Medicaid program by October 1, 2010, there hereby is appropriated the sum of \$12,000,000 (non-recurring) for partial implementation of the community college special

capital outlay program, and in this event, the reserve for revenue fluctuations at June 30, 2011, as designated in Section 47, Item 2, is decreased by \$12,000,000.

(B) Notwithstanding any provision of this item to the contrary, the Board of Regents is authorized to utilize an amount not to exceed thirty percent of the funds appropriated by this item for high priority technology centers. Notwithstanding other provisions of this section to the contrary, if the continuation of the enhanced federal medical assistance percentage (FMAP) is not authorized in the Medicaid program by October 1, 2010, there hereby is appropriated the sum of \$16,000,000 (non-recurring) for high priority technology centers, and in this event, the reserve for revenue fluctuations at June 30, 2011, as designated in Section 47, Item 2, is decreased by \$16,000,000.

Item 3. To the Department of Economic and Community Development for capital outlay, the sum of \$9,600,000 (non-recurring) for the West Tennessee Mega-Site industrial infrastructure project.

Item 4. To the TennCare program for grants to critical access hospitals the sum of \$10,000,000 (non-recurring) to address un-reimbursed costs of services provided. It is the legislative intent that such grants be made as soon as practical after July 1, 2010, and shall be allocated pro rata based upon the ratio of uncompensated care to total facility revenue for each critical access hospital as reported in the most recent joint annual report available prior to such distribution of such grants.

Item 5. To the Department of Economic and Community Development, for the small-business job opportunities fund and a grant to Southeast Community Capital Corporation, the sum of \$10,000,000 (non-recurring) is appropriated to match approximately \$10,000,000 to \$15,000,000 from banks. It is the legislative intent that job creation loans provided through this appropriation be awarded in a manner maximizing participation by minority owned businesses and, to that end, such program shall strive to achieve a minimum minority owned business participation goal of fifteen percent.

Item 6.

(A) To the Department of Safety, for the drivers license issuance system capital outlay project, the sum of \$30,000,000 (non-recurring).

(B) To the Department of Safety, for the highway patrol communications system capital outlay project, the sum of \$90,000,000 (non-recurring).

(C) From the appropriation made in this Item to the Department of Safety for the highway patrol communications system and the driver license issuance system, the Commissioner of Finance and Administration is authorized to transfer sums sufficient from the capital outlay fund to the general fund or systems development fund as required.

Item 7.

(A) In addition to any other funds appropriated by the provisions of this act, there is appropriated the total sum of \$72,000,000 (non-recurring) for the following purposes in the following amounts:

(i) To the Department of Economic and Community Development, for economic development projects, to the Fast Track Infrastructure Development and Job Training Assistance Program and related economic development programs . . . . . \$51,000,000;

(ii) To the Department of Agriculture for the purpose of the agricultural enhancement program . . . . . \$10,000,000;

(iii) To the Miscellaneous Appropriations, for a grant to the Civil Rights Museum in Memphis for the purpose of supporting the museum's capital campaign for capital improvements and to build an endowment . \$ 5,000,000; provided that \$50,000 of such grant shall be earmarked for the support of the Alex Haley House and Museum in Henning;

(iv) To the Department of Environment and Conservation for the sole purpose of issuing grants for developing or repairing sewer service projects to residential and commercial areas with high failure rates located outside the boundaries of an established city or town . . . . . \$ 2,000,000;

(v) To UT Health Science Center for facility site preparation, demolition and associated costs. . . . . \$ 4,000,000;  
and

(vi) Subject to availability of funds, to the Department of Tourist Development for a Tennessee is Open for Tourism Campaign . . . . \$ 1,000,000.

(B) Notwithstanding other provisions of this section to the contrary, if the continuation of the enhanced federal medical assistance percentage (FMAP) is not available in the Medicaid program, there hereby is appropriated the sum of \$31,000,000 (non-recurring) for economic development, and in this event, the reserve for revenue fluctuations at June 30, 2011, as designated in Section 47, Item 2, is decreased by \$31,000,000.

(c) It is the legislative intent that the contingency items provided in this section be funded in the amounts indicated; provided that if available funds are less than the amounts indicated, then such contingencies shall be accomplished, wholly or partially, pursuant to the order of the items as listed above from Item 1 to Item 7; provided further that if available funds exceed \$341,600,000, then:

(1) The appropriation to the TennCare program in Section 1, Title III-26, of this act is reduced by such additional amount (non-recurring reduction), and in addition to the appropriation of federal aid to the TennCare program in Section 4, Title III-25, there hereby is appropriated a sum equal to such additional amount (non-recurring) from federal aid revenue; and

(2) There is hereby appropriated a sum equal to such additional amount (non-recurring) for purposes of implementing a capital outlay program to increase the capacity of Tennessee community colleges to serve Tennesseans as otherwise provided in subdivision (b), Item 2 of this Section.

## **ADDITIONS TO 2011-2012 CORE SERVICES RESERVE**

AND FURTHER AMEND by adding the following language as a new section immediately preceding the severability clause section and by renumbering the subsequent sections accordingly:

SECTION \_\_\_\_\_. In addition to amounts otherwise identified in this act and in the 2010-2011 Budget Document for the 2011-2012 core services reserve, it is the legislative intent that the reserve include the following amounts for additional core services as follows:

State Land Acquisition Fund.....	\$ 3,112,500
Local Park Acquisition Fund .....	3,718,700
Agriculture Resources Conservation Fund .....	937,500
Wetlands Acquisition Fund .....	906,300
TSAA Awards .....	3,200,000
TennCare - Perinatal Outreach Grants .....	2,272,800
Employee 401(k) state match @ \$50.00.....	16,363,600
Arts Commission Grants.....	754,900
Governor's Schools .....	2,241,000
Performance based budgeting.....	986,300
ADM Growth Funding .....	7,000,000
Mental Health - crisis stabilization / behavioral health...	1,500,000
Public television grants.....	500,000
Extended Foster Care .....	<u>1,786,000</u>

Total Additional .....\$ 45,279,600

## **MISCELLANEOUS ADJUSTMENTS**

AND FURTHER AMEND by deleting Title III-31 in Section 1 in its entirety and by substituting instead the following:

### **31. State Funding Board**

There is hereby appropriated to the State Funding Board for interest and reduction of the state debt, for debt service expense and interest on proposed bond authorization:

	<u>2010-2011</u>
1. Interest on State Debt.....	\$ 55,813,000.00
2. Retirement of Bonds.....	101,940,000.00
3. Debt Service Expense .....	1,000,000.00
4. Amortization of Authorized and Unissued Construction Bonds .....	87,500,000.00
5. Amortization of Authorized and Unissued Highway Bonds.....	122,600,000.00
6. Amortization of Bonds Issued – December 2009 .....	19,900,000.00
Total Title III-31 .....	\$ 388,753,000.00

The appropriation made under Section 1, Title III-31, Items 1, 2, 3, 4, 5, and 6, is made under the provisions of Tennessee Code Annotated, Title 9, Chapter 9, and may be increased to such amounts as will be necessary to carry out such provisions.

AND FURTHER AMEND by deleting the following language from Title III-32 in Section 1:

Sub-Total . . . . .	\$123,100,000.00
10. Department of Safety - Systems Development Projects . . \$	42,300,000.00
Total Title III-32 . . . . .	\$165,400,000.00

and by substituting instead the following:

Total Title III-32. . . . .	\$123,100,000.00
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AND FURTHER AMEND by deleting Item 3 from SECTION 35 and by substituting instead the following:

Item 3. To the Treasury Department in Section 1, Title III-1, Item 7.3, for the Baccalaureate Education System Trust Fund (Tennessee Code Annotated, Title 49, Chapter 7, Part 8), to eliminate the current unfunded liability of the Baccalaureate Education System Trust prepaid plan. The Commissioner of Finance and Administration is authorized to transfer the appropriation from the general fund to the Baccalaureate Education System Trust Fund. Notwithstanding this act or any other law to the contrary, the Board of Trustees of the Baccalaureate Education System Trust is hereby authorized to allocate a sum not to exceed \$250,000 from the appropriations made in Section 1, Title III-1, Item 7.3 for the purpose of implementing Public Chapter No. 884 of the Public Acts of 2010.

AND FURTHER AMEND by deleting the following language in Section 41:

Item \_\_\_\_\_. In the fiscal year ending June 30, 2010, any unexpended balances of appropriations made to the Department of Health for Diabetes Prevention and Health Improvement are hereby reappropriated to be expended in the 2010-2011 fiscal year and such appropriations shall be carried forward in a reserve into the fiscal year beginning July 1, 2010.



AND FURTHER AMEND by adding the following language as a new item in Section 52:

Item 5. From the Lottery for Education Account and other accounts and sub-accounts established pursuant to Tennessee Code Annotated, Title 4, Chapter 51, the Tennessee Education Lottery Implementation Law, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 2899 / House Bill 3479, relative to eligible institutions under the lottery scholarship program, if such bill becomes a law.

AND FURTHER AMEND by deleting Item 1 from Section 58 in its entirety and by substituting instead the following:

Item 1. Pursuant to Chapter 531, Public Acts of 2009, and Senate Bill 3880 / House Bill 3796, if such bill becomes a law, it is the legislative intent to reallocate to the education fund and general fund portions of certain dedicated revenues in the fiscal year 2010-2011. The dedicated revenues and the amounts reallocated to the education fund and general fund are:

Education Fund

a) Tobacco Taxes – Agricultural Enhancement Program ..... \$ 11,000,000

General Fund

b) Environment and Conservation – Environmental Assurance Fee  
(Underground Storage Tanks) ..... \$ 3,000,000

c) Environment and Conservation – Solid Waste 90¢ Tipping Fee 2,600,000

Sub-Total General Fund ..... \$ 5,600,000

TOTAL ..... \$ 16,600,000

AND FURTHER AMEND by deleting Item 1, Item 2, Item 3 and Item 5 from Section 59.

AND FURTHER AMEND by deleting the following language from Section 66:

Item 7. To the Department of Health, Division of General Environmental Health, for the rabies control program, a sum sufficient not to exceed \$1,000,000 to restore base reduction number 5, Rabies Tags, proposed in the 2010-2011 Budget Document, if Senate Bill 3850 / House Bill 3834 or a similar bill, relative to a rabies vaccination certificate fee, does not become a law or if the bill or similar bill does become a law but provides estimated departmental revenue of less than \$1,000,000 according to the final fiscal note on the bill. The Commissioner of Finance and Administration shall reconcile the appropriation required to the fiscal note and is authorized to adjust departmental revenue accordingly.

and by substituting instead the following:

Item 7. To the Department of Health, Division of General Environmental Health, for the rabies control program, a sum sufficient not to exceed \$1,000,000 to restore base reduction number 5, Rabies Tags, proposed in the 2010-2011 Budget Document. The Commissioner of Finance and Administration shall reconcile the appropriation required to the fiscal note and is authorized to adjust departmental revenue accordingly.

AND FURTHER AMEND by deleting the following language from Section 66:

Item 10. To the Department of Children's Services the sum of \$2,786,100 (recurring) is appropriated to restore the New Visions Youth Development Center component of fiscal year 2010-2011 reduction number 2, Closing Youth Development Center Beds, as follows:

(a) There hereby is appropriated for operation of New Visions Youth Development Center the sum of \$4,584,900 from state revenue and \$70,200 from departmental revenue, and eighty-five (85) positions are authorized to be retained.

(b) The appropriation for operation of Woodland Hills Youth Development Center hereby is reduced by \$1,798,800 from state revenue and \$70,200 from departmental revenue, and thirty-three (33) positions are deleted from the authorization.

and by substituting instead the following:

Item 10. To the Department of Children's Services the sum of \$2,786,100 (recurring) is appropriated to partially restore the New Visions Youth Development Center component of fiscal year 2010-2011 reduction number 2, Closing Youth Development Center Beds, and to provide for transitional youth support services, as follows:

(a) There hereby is appropriated for operation of New Visions Youth Development Center the sum of \$4,203,900 from state revenue and \$70,200

from departmental revenue, and eighty-five (85) positions are authorized to be retained.

(b) The appropriation for operation of Woodland Hills Youth Development Center hereby is reduced by \$1,798,800 from state revenue and \$70,200 from departmental revenue, and thirty-three (33) positions are deleted from the authorization.

(c) There is hereby appropriated for the operation of independent living and transitional youth support services the sum of \$381,000 from state revenue.

AND FURTHER AMEND by deleting Item 1 from Section 67 in its entirety.

AND FURTHER AMEND by adding the following language as new sections immediately preceding the severability clause section and by renumbering the subsequent sections accordingly:

SECTION \_\_. Recognizing the need for state government to operate with a balance of recurring revenues to recurring expenditures, there is hereby appropriated a sum sufficient (non-recurring), not to exceed \$500,000, to the Ad Hoc Task Force on Human Resources for the sole purpose of developing and proposing comprehensive, government personnel management contingency plans for the executive branch and the legislative branch of state government and, upon the request of the Supreme Court, for the judicial branch of state government. The Ad Hoc Task Force shall consist of the Comptroller of the Treasury, the State Treasurer, the Secretary of State, the Commissioner of Finance and Administration, and the Commissioner of Human Resources. The Comptroller of the Treasury and the Commissioner of Human Resources shall serve as co-chairs. Within the limits of funding provided by this section, the Task Force may contract with private consultants for technical advice and assistance. Each contingency plan shall include policies and procedures to govern the selection of positions for elimination and shall recommend reorganization of affected departments, agencies, entities and programs as may be needed to fully achieve the annualized savings proposed by the plan. Each contingency plan shall also identify any

provision of general law that would require suspension, amendment or repeal in order to implement the plan. At least one or more of the contingency plans for each branch of state government may include incentive-based separation packages for employees who voluntarily separate from service; and at least one or more of the contingency plans for each branch of state government may include benefit packages for employees who are involuntarily separated from service. The incentives or benefits offered may include, but shall not be limited to, one or more of the following:

- (i) A base payment plus an amount based on years of service and capped at an amount, to be determined by the Task Force;

- (ii) Extended health insurance benefits for a period of months to be determined by the Task Force, or a cash option to buy into COBRA health coverage, or a cash option equivalent to the extended health insurance benefit; and

- (iii) College tuition assistance for a term, to be determined, and to be capped at the average of the highest four-year public Tennessee college undergraduate level; provided, however, that such assistance shall only be provided for periods of actual attendance within a period of time to be determined by the Task Force.

The Task Force shall endeavor to finalize and propose the comprehensive, reduction-in-force contingency plans on or before January 17, 2011. The plans shall be delivered to the Governor, the Speaker of the Senate and the Speaker of the House of Representatives and, if requested, to the Chief Justice. As circumstances dictate, the respective branches may, consistent with general law, implement one or more of the proposed government personnel management contingency plans. It is the legislative intent to recognize that implementation of the government personnel management contingency plans will reduce reserves for revenue fluctuations amounts stated in Section 47, Items 1 and 2.

SECTION \_\_\_\_\_. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it. It is hereby declared to be the legislative intent that to the extent permissible under applicable federal law and regulation, local government contributions and/or intergovernmental transfers for the benefit of The Regional Medical Center at Memphis be matched by federal Medicaid funds. If a determination is not made by July 1, 2010, that such contributions that are made in, or attributable to, the fiscal years ending June 30, 2010 or June 30, 2011 can be matched, then there is hereby appropriated twenty million (\$20,000,000) to the Department of Finance and Administration for the purpose of making a grant in such amount to The Regional Medical Center at Memphis. It is the legislative intent that this appropriation be considered non-recurring. It is the legislative intent that, prior to receiving any funds appropriated in this Item, the Regional Medical Center at Memphis provides a written plan to the Commissioner of Finance and Administration and the Comptroller of the Treasury detailing the manner in which such funds are to be used and a plan to become self-sustaining.

SECTION \_\_\_\_\_. It is hereby recognized that the provisions of Senate Bill 231 / House Bill 228, or, alternatively, the provisions of Senate Bill 3901 / House Bill 3787, concerning refunds of state and local sales taxes on the retail sale of certain items of tangible personal property when sold to a natural person who has received disaster assistance through FEMA will result in a revenue loss exceeding \$19,950,000, if either bill containing such provisions becomes a law.

SECTION \_\_\_\_\_. This section shall take effect upon becoming a law, the public welfare requiring it. From the funds appropriated to the Court System in Public Acts of 2009, Chapter 554, Section 1, Title II, an amount of \$26,000 is reappropriated for start-up costs of implementing Senate Bill 3110 / House Bill 3385, relative to court-reporter licensing, if the bill becomes a law. Upon the request of the Administrative Director of the Courts, the Commissioner of Finance and Administration is authorized to transfer funds between programs as necessary to address the start-up costs.

SECTION \_\_\_\_\_. If additional federal funds for energy related programs not otherwise appropriated or obligated pursuant to the provisions of this act are received in fiscal year 2010-2011 as determined by the commissioner of finance and administration, the sum of \$1,000,000 from such additional federal funds is appropriated to the department of economic and community development to be available for a geothermal energy demonstration pilot project at a private institution of higher education in Claiborne County.

SECTION \_\_\_\_\_. The commissioner of finance and administration is requested to make all necessary adjustments to revenues, authorized positions and totals as necessary to effectuate the provisions of this act as amended by the General Assembly.

AND FURTHER AMEND by requesting the Engrossing Clerk to delete the bold underlined explanatory headings in this amendment.